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SENATE BILL 5919

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Murray and Zarelli

Read first time 04/06/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to education funding; amending RCW 28A.150.198,  
2 28A.150.200, 28A.150.220, 28A.150.260, 28A.150.315, 28A.160.150,  
3 28A.160.192, 28A.400.201, 28A.400.205, 28B.50.465, and 28A.405.415;  
4 reenacting and amending RCW 28A.290.010 and 28A.505.220; creating a new  
5 section; repealing 2010 c 236 s 1 (uncodified); providing effective  
6 dates; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature is committed to public  
9 elementary and secondary education in Washington state. The  
10 legislature further recognizes its authority and responsibility to  
11 define and fund a program of basic education as its paramount duty  
12 under the state Constitution.

13 In November 2000, the voters of Washington state approved  
14 Initiatives 728 and 732 to enhance per-student funding allocations to  
15 school districts and provide annual cost-of-living salary increases to  
16 education employees. The initiatives did not provide increased revenue  
17 to fund the enhanced expenditures.

18 Washington state is slowly recovering from the most severe  
19 recession since the great depression. The need for state services,

1 including K-12 public school enrollment, continues to grow while state  
2 revenues have significantly declined. As a result, funding for  
3 Initiatives 728 and 732 has been reduced or suspended multiple times.

4 In 2009, school finance reform legislation took the first step in  
5 the process of redefining the instructional program of a basic  
6 education and the new education funding allocation model to be  
7 implemented according to a schedule adopted by the legislature.

8 In the legislation enacted in 2009 and 2010, the legislature began  
9 a process of implementing a revised program of basic education, with  
10 the development of recommendations of experienced educators, school  
11 professionals, and key educational stakeholders. The development of a  
12 comprehensive set of recommendations from all participants will enable  
13 the legislature to identify common priorities and develop a reasonable  
14 and rational implementation schedule to produce the greatest positive  
15 impact on student achievement and take into account the system's  
16 capacity to realistically implement the necessary changes.

17 It is the intent of the legislature to establish a sustainable,  
18 long-term financial plan to fund the comprehensive implementation  
19 schedule, allowing steady progress in executing and funding the  
20 education reforms while making realistic commitments. The financial  
21 plan must take into account Initiative 728 by integrating the funding  
22 for that initiative with the implementation of the prototypical school  
23 model, as recommended by the funding formula technical working group.  
24 The financial plan must also consider upcoming findings of the  
25 compensation working group and review that group's recommendations  
26 regarding Initiative 732 and the state's larger education reform plan.

27 **Sec. 2.** RCW 28A.150.198 and 2009 c 548 s 1 are each amended to  
28 read as follows:

29 (1) Public education in Washington state has evolved since the  
30 enactment of the Washington basic education act of 1977. Decisions by  
31 the courts have played a part in this evolution, as have studies and  
32 research about education practices and education funding. The  
33 legislature finds ample evidence of a need for continuing to refine the  
34 program of basic education that is funded by the state and delivered by  
35 school districts.

36 (2) The legislature reaffirms the work of Washington Learns and  
37 other educational task forces that have been convened over the past

1 four years and their recommendations to make bold reforms to the entire  
2 educational system in order to educate all students to a higher level;  
3 to focus on the individualized instructional needs of students; to  
4 strive towards closing the achievement gap and reducing dropout rates;  
5 and to prepare students for a constantly evolving workforce and  
6 increasingly demanding global economy. In enacting this legislation,  
7 the legislature intends to continue to review, evaluate, and revise the  
8 definition and funding of basic education in order to continue to  
9 fulfill the state obligation under Article IX of the state  
10 Constitution. The legislature also intends to continue to strengthen  
11 and modify the structure of the entire K-12 educational system,  
12 including nonbasic education programmatic elements, in order to build  
13 the capacity to anticipate and support potential future enhancements to  
14 basic education as the educational needs of our citizens continue to  
15 evolve.

16 (3) The legislature recognizes that the first step in revising the  
17 definition and funding of basic education is to create a transparent  
18 funding system for both allocations and expenditures so that not only  
19 policymakers and educators understand how the state supports basic  
20 education but also taxpayers. An adequate data system that enables the  
21 legislature to make rational, data-driven decisions on which  
22 educational programs impact student learning in order to more  
23 effectively and efficiently deliver the resources necessary to provide  
24 an ample program of basic education is also a necessity. A new  
25 prototypical funding system will allow the legislature to better  
26 understand how current resources are being used. A more complete and  
27 accurate educational data system will allow the legislature to  
28 understand whether current basic education programs are supporting  
29 student learning. Only with both of these systems in place can the  
30 legislature make informed decisions on how to best implement a dynamic  
31 and evolving system of basic education.

32 (4) For practical and educational reasons, major changes of the  
33 program of basic education and the funding formulas to support it  
34 cannot occur instantaneously. The legislature intends to build upon  
35 the previous efforts of the legislature and the basic education task  
36 force in order to develop a realistic implementation strategy for a new  
37 instructional program after technical experts develop the details of  
38 the prototypical schools funding formulas and the data and reporting

1 system that will support a new instructional program. The legislature  
2 also intends to establish a formal structure for monitoring the  
3 implementation by the legislature of an evolving program of basic  
4 education and the financing necessary to support such a program. ((The  
5 legislature intends that the redefined program of basic education and  
6 funding for the program be fully implemented by 2018.))

7 (5) It is the further intent of the legislature to also address  
8 additional issues that are of importance to the legislature but are not  
9 part of basic education.

10 **Sec. 3.** RCW 28A.150.200 and 2009 c 548 s 101 are each amended to  
11 read as follows:

12 (1) The program of basic education established under this chapter  
13 is deemed by the legislature to comply with the requirements of Article  
14 IX, section 1 of the state Constitution, which states that "It is the  
15 paramount duty of the state to make ample provision for the education  
16 of all children residing within its borders, without distinction or  
17 preference on account of race, color, caste, or sex," and is adopted  
18 pursuant to Article IX, section 2 of the state Constitution, which  
19 states that "The legislature shall provide for a general and uniform  
20 system of public schools."

21 (2) The legislature defines the program of basic education under  
22 this chapter as that which is necessary to provide the opportunity to  
23 develop the knowledge and skills necessary to meet the state-  
24 established high school graduation requirements that are intended to  
25 allow students to have the opportunity to graduate with a meaningful  
26 diploma that prepares them for postsecondary education, gainful  
27 employment, and citizenship. Basic education by necessity is an  
28 evolving program of instruction intended to reflect the changing  
29 educational opportunities that are needed to equip students for their  
30 role as productive citizens and includes the following:

31 (a) The instructional program of basic education the minimum  
32 components of which are described in RCW 28A.150.220, which shall be  
33 phased-in according to an implementation schedule adopted by the  
34 legislature;

35 (b) The program of education provided by chapter 28A.190 RCW for  
36 students in residential schools as defined by RCW 28A.190.020 and for  
37 juveniles in detention facilities as identified by RCW 28A.190.010;

1 (c) The program of education provided by chapter 28A.193 RCW for  
2 individuals under the age of eighteen who are incarcerated in adult  
3 correctional facilities; and

4 (d) Transportation and transportation services to and from school  
5 for eligible students as provided under RCW 28A.160.150 through  
6 28A.160.180, which shall be phased-in according to an implementation  
7 schedule adopted by the legislature.

8 **Sec. 4.** RCW 28A.150.220 and 2009 c 548 s 104 are each amended to  
9 read as follows:

10 (1) In order for students to have the opportunity to develop the  
11 basic education knowledge and skills under RCW 28A.150.210, school  
12 districts must provide instruction of sufficient quantity and quality  
13 and give students the opportunity to complete graduation requirements  
14 that are intended to prepare them for postsecondary education, gainful  
15 employment, and citizenship. The program established under this  
16 section shall be the minimum instructional program of basic education  
17 offered by school districts.

18 (2) Each school district shall make available to students the  
19 following minimum instructional offering each school year:

20 (a) For students enrolled in grades one through twelve, at least a  
21 district-wide annual average of one thousand hours, which shall be  
22 increased to at least one thousand eighty instructional hours for  
23 students enrolled in each of grades seven through twelve and at least  
24 one thousand instructional hours for students in each of grades one  
25 through six according to an implementation schedule adopted by the  
26 legislature, but not before the 2014-15 school year; and

27 (b) For students enrolled in kindergarten, at least four hundred  
28 fifty instructional hours, which shall be increased to at least one  
29 thousand instructional hours according to the implementation schedule  
30 under RCW 28A.150.315.

31 (3) The instructional program of basic education provided by each  
32 school district shall include:

33 (a) Instruction in the essential academic learning requirements  
34 under RCW 28A.655.070;

35 (b) Instruction that provides students the opportunity to complete  
36 twenty-four credits for high school graduation, subject to a phased-in

1 implementation of the twenty-four credits as established by the  
2 legislature. Course distribution requirements may be established by  
3 the state board of education under RCW 28A.230.090;

4 (c) If the essential academic learning requirements include a  
5 requirement of languages other than English, the requirement may be met  
6 by students receiving instruction in one or more American Indian  
7 languages;

8 (d) Supplemental instruction and services for underachieving  
9 students through the learning assistance program under RCW 28A.165.005  
10 through 28A.165.065;

11 (e) Supplemental instruction and services for eligible and enrolled  
12 students whose primary language is other than English through the  
13 transitional bilingual instruction program under RCW 28A.180.010  
14 through 28A.180.080;

15 (f) The opportunity for an appropriate education at public expense  
16 as defined by RCW 28A.155.020 for all eligible students with  
17 disabilities as defined in RCW 28A.155.020; and

18 (g) Programs for highly capable students under RCW 28A.185.010  
19 through 28A.185.030, according to an implementation schedule adopted by  
20 the legislature.

21 (4) Nothing contained in this section shall be construed to require  
22 individual students to attend school for any particular number of hours  
23 per day or to take any particular courses.

24 (5) Each school district's kindergarten through twelfth grade basic  
25 educational program shall be accessible to all students who are five  
26 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
27 years of age and shall consist of a minimum of one hundred eighty  
28 school days per school year in such grades as are conducted by a school  
29 district, and one hundred eighty half-days of instruction, or  
30 equivalent, in kindergarten, to be increased to a minimum of one  
31 hundred eighty school days per school year according to the  
32 implementation schedule under RCW 28A.150.315. However, effective May  
33 1, 1979, a school district may schedule the last five school days of  
34 the one hundred and eighty day school year for noninstructional  
35 purposes in the case of students who are graduating from high school,  
36 including, but not limited to, the observance of graduation and early  
37 release from school upon the request of a student, and all such

1 students may be claimed as a full-time equivalent student to the extent  
2 they could otherwise have been so claimed for the purposes of RCW  
3 28A.150.250 and 28A.150.260.

4 (6) Nothing in this section precludes a school district from  
5 enriching the instructional program of basic education, such as  
6 offering additional instruction or providing additional services,  
7 programs, or activities that the school district determines to be  
8 appropriate for the education of the school district's students.

9 (7) The state board of education shall adopt rules to implement and  
10 ensure compliance with the program requirements imposed by this  
11 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental  
12 program approval requirements as the state board may establish.

13 **Sec. 5.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to  
14 read as follows:

15 The purpose of this section is to provide for the allocation of  
16 state funding that the legislature deems necessary to support school  
17 districts in offering the minimum instructional program of basic  
18 education under RCW 28A.150.220. The allocation shall be determined as  
19 follows:

20 (1) The governor shall and the superintendent of public instruction  
21 may recommend to the legislature a formula for the distribution of a  
22 basic education instructional allocation for each common school  
23 district.

24 (2) The distribution formula under this section shall be for  
25 allocation purposes only. Except as may be required under chapter  
26 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
27 regulations, nothing in this section requires school districts to use  
28 basic education instructional funds to implement a particular  
29 instructional approach or service. Nothing in this section requires  
30 school districts to maintain a particular classroom teacher-to-student  
31 ratio or other staff-to-student ratio or to use allocated funds to pay  
32 for particular types or classifications of staff. Nothing in this  
33 section entitles an individual teacher to a particular teacher planning  
34 period.

35 (3)(a) To the extent the technical details of the formula and an  
36 implementation schedule have been adopted by the legislature and except  
37 when specifically provided as a school district allocation, the

1 distribution formula for the basic education instructional allocation  
2 shall be based on minimum staffing and nonstaff costs the legislature  
3 deems necessary to support instruction and operations in prototypical  
4 schools serving high, middle, and elementary school students as  
5 provided in this section. The use of prototypical schools for the  
6 distribution formula does not constitute legislative intent that  
7 schools should be operated or structured in a similar fashion as the  
8 prototypes. Prototypical schools illustrate the level of resources  
9 needed to operate a school of a particular size with particular types  
10 and grade levels of students using commonly understood terms and  
11 inputs, such as class size, hours of instruction, and various  
12 categories of school staff. It is the intent that the funding  
13 allocations to school districts be adjusted from the school prototypes  
14 based on the actual number of annual average full-time equivalent  
15 students in each grade level at each school in the district and not  
16 based on the grade-level configuration of the school to the extent that  
17 data is available. The allocations shall be further adjusted from the  
18 school prototypes with minimum allocations for small schools and to  
19 reflect other factors identified in the omnibus appropriations act.

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

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

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

27 (iii) A prototypical elementary school has four hundred average  
28 annual full-time equivalent students in grades kindergarten through  
29 six.

30 (4)(a) The minimum allocation for each level of prototypical school  
31 shall be based on the number of full-time equivalent classroom teachers  
32 needed to provide instruction over the minimum required annual  
33 instructional hours under RCW 28A.150.220 and provide at least one  
34 teacher planning period per school day, and based on the following  
35 general education average class size of full-time equivalent students  
36 per teacher:

37  
38  
General education  
average

1		class size
2	Grades K-3 . . . . .	25.23
3	Grade 4 . . . . .	27.00
4	Grades 5-6 . . . . .	27.00
5	Grades 7-8 . . . . .	28.53
6	Grades 9-12 . . . . .	28.74

7 (b) (~~During the 2011-2013 biennium and~~) Beginning with schools  
8 with the highest percentage of students eligible for free and reduced-  
9 price meals in the prior school year, the general education average  
10 class size for grades K-3 shall be reduced until the average class size  
11 funded under this subsection (4) is no more than 17.0 full-time  
12 equivalent students per teacher (~~beginning in the 2017-18 school~~  
13 ~~year~~), which shall be phased-in according to an implementation  
14 schedule adopted by the legislature.

15 (c) The minimum allocation for each prototypical middle and high  
16 school shall also provide for full-time equivalent classroom teachers  
17 based on the following number of full-time equivalent students per  
18 teacher in career and technical education:

19		Career and technical
20		education average
21		class size
22	Approved career and technical education offered at	
23	the middle school and high school level . . . . .	26.57
24	Skill center programs meeting the standards established	
25	by the office of the superintendent of public	
26	instruction . . . . .	22.76

27 (d) In addition, the omnibus appropriations act shall at a minimum  
28 specify:

29 (i) A high-poverty average class size in schools where more than  
30 fifty percent of the students are eligible for free and reduced-price  
31 meals; and

32 (ii) A specialty average class size for laboratory science,  
33 advanced placement, and international baccalaureate courses.

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

37

	Elementary School	Middle School	High School
1 Principals, assistant principals, and other certificated building-level			
2 administrators . . . . .	1.253	1.353	1.880
3 Teacher librarians, a function that includes information literacy, technology,			
4 and media to support school library media programs . . . . .	0.663	0.519	0.523
5 Health and social services:			
6 School nurses . . . . .	0.076	0.060	0.096
7 Social workers . . . . .	0.042	0.006	0.015
8 Psychologists . . . . .	0.017	0.002	0.007
9 Guidance counselors, a function that includes parent outreach and			
10 graduation advising . . . . .	0.493	1.116	1.909
11 Teaching assistance, including any aspect of educational instructional			
12 services provided by classified employees . . . . .	0.936	0.700	0.652
13 Office support and other noninstructional aides . . . . .	2.012	2.325	3.269
14 Custodians . . . . .	1.657	1.942	2.965
15 Classified staff providing student and staff safety . . . . .	0.079	0.092	0.141
16 Parent involvement coordinators . . . . .	0.00	0.00	0.00

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

	Staff per 1,000 K-12 students
23 Technology . . . . .	0.628
24 Facilities, maintenance, and grounds . . . . .	1.813
25 Warehouse, laborers, and mechanics . . . . .	0.332

28 (b) The minimum allocation of staff units for each school district  
29 to support certificated and classified staffing of central  
30 administration shall be 5.30 percent of the staff units generated under  
31 subsections (4)(a) and (b) and (5) of this section and (a) of this  
32 subsection.

33 (7) The distribution formula shall include staffing allocations to  
34 school districts for career and technical education and skill center

1 administrative and other school-level certificated staff, as specified  
2 in the omnibus appropriations act.

3 (8)(a) Except as provided in (b) of this subsection, the minimum  
4 allocation for each school district shall include allocations per  
5 annual average full-time equivalent student for the following  
6 materials, supplies, and operating costs, to be adjusted for inflation  
7 from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
8	
9	
10	
11 Technology . . . . .	\$54.43
12 Utilities and insurance . . . . .	\$147.90
13 Curriculum and textbooks . . . . .	\$58.44
14 Other supplies and library materials . . . . .	\$124.07
15 Instructional professional development for certified and	
16 classified staff . . . . .	\$9.04
17 Facilities maintenance . . . . .	\$73.27
18 Security and central office . . . . .	\$50.76

19 (b) During the 2011-2013 biennium, the minimum allocation for  
20 maintenance, supplies, and operating costs shall be (~~increased as~~)  
21 specified in the omnibus appropriations act. The following  
22 allocations, adjusted for inflation from the 2007-08 school year, are  
23 provided (~~in the 2015-16 school year~~) according to a phased-in  
24 implementation schedule adopted by the legislature, after which the  
25 allocations shall be adjusted annually for inflation as specified in  
26 the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
27	
28	
29	
30 Technology . . . . .	\$113.80
31 Utilities and insurance . . . . .	\$309.21
32 Curriculum and textbooks . . . . .	\$122.17
33 Other supplies and library materials . . . . .	\$259.39
34 Instructional professional development for certificated and	
35 classified staff . . . . .	\$18.89
36 Facilities maintenance . . . . .	\$153.18
37 Security and central office administration . . . . .	\$106.12

1 (9) In addition to the amounts provided in subsection (8) of this  
2 section, the omnibus appropriations act shall provide an amount based  
3 on full-time equivalent student enrollment in each of the following:

4 (a) Exploratory career and technical education courses for students  
5 in grades seven through twelve;

6 (b) Laboratory science courses for students in grades nine through  
7 twelve;

8 (c) Preparatory career and technical education courses for students  
9 in grades nine through twelve offered in a high school; and

10 (d) Preparatory career and technical education courses for students  
11 in grades eleven and twelve offered through a skill center.

12 (10) In addition to the allocations otherwise provided under this  
13 section, amounts shall be (~~provided~~) phased-in according to an  
14 implementation schedule adopted by the legislature to support the  
15 following programs and services:

16 (a) To provide supplemental instruction and services for  
17 underachieving students through the learning assistance program under  
18 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the  
19 district percentage of students in grades K-12 who were eligible for  
20 free or reduced-price meals in the prior school year. The minimum  
21 allocation for the program shall provide for each level of prototypical  
22 school resources to provide, on a statewide average, 1.5156 hours per  
23 week in extra instruction with a class size of fifteen learning  
24 assistance program students per teacher.

25 (b) To provide supplemental instruction and services for students  
26 whose primary language is other than English, allocations shall be  
27 based on the head count number of students in each school who are  
28 eligible for and enrolled in the transitional bilingual instruction  
29 program under RCW 28A.180.010 through 28A.180.080. The minimum  
30 allocation for each level of prototypical school shall provide  
31 resources to provide, on a statewide average, 4.7780 hours per week in  
32 extra instruction with fifteen transitional bilingual instruction  
33 program students per teacher.

34 (c) To provide additional allocations to support programs for  
35 highly capable students under RCW 28A.185.010 through 28A.185.030,  
36 allocations shall be based on two and three hundred fourteen one-  
37 thousandths percent of each school district's full-time equivalent  
38 basic education enrollment. The minimum allocation for the programs

1 shall provide resources to provide, on a statewide average, 2.1590  
2 hours per week in extra instruction with fifteen highly capable program  
3 students per teacher.

4 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
5 and (8) of this section shall be enhanced as provided under RCW  
6 28A.150.390 on an excess cost basis to provide supplemental  
7 instructional resources for students with disabilities.

8 (12)(a) For the purposes of allocations for prototypical high  
9 schools and middle schools under subsections (4) and (10) of this  
10 section that are based on the percent of students in the school who are  
11 eligible for free and reduced-price meals, the actual percent of such  
12 students in a school shall be adjusted by a factor identified in the  
13 omnibus appropriations act to reflect underreporting of free and  
14 reduced-price meal eligibility among middle and high school students.

15 (b) Allocations or enhancements provided under subsections (4),  
16 (7), and (9) of this section for exploratory and preparatory career and  
17 technical education courses shall be provided only for courses approved  
18 by the office of the superintendent of public instruction under chapter  
19 28A.700 RCW.

20 (13)(a) This formula for distribution of basic education funds  
21 shall be reviewed biennially by the superintendent and governor. The  
22 recommended formula shall be subject to approval, amendment or  
23 rejection by the legislature.

24 (b) In the event the legislature rejects the distribution formula  
25 recommended by the governor, without adopting a new distribution  
26 formula, the distribution formula for the previous school year shall  
27 remain in effect.

28 (c) The enrollment of any district shall be the annual average  
29 number of full-time equivalent students and part-time students as  
30 provided in RCW 28A.150.350, enrolled on the first school day of each  
31 month, including students who are in attendance pursuant to RCW  
32 28A.335.160 and 28A.225.250 who do not reside within the servicing  
33 school district. The definition of full-time equivalent student shall  
34 be determined by rules of the superintendent of public instruction and  
35 shall be included as part of the superintendent's biennial budget  
36 request. The definition shall be based on the minimum instructional  
37 hour offerings required under RCW 28A.150.220. Any revision of the

1 present definition shall not take effect until approved by the house  
2 ways and means committee and the senate ways and means committee.

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

6 **Sec. 6.** RCW 28A.150.315 and 2010 c 236 s 4 are each amended to  
7 read as follows:

8 (1) Beginning with the 2007-08 school year, funding for voluntary  
9 all-day kindergarten programs shall be phased-in beginning with schools  
10 with the highest poverty levels, defined as those schools with the  
11 highest percentages of students qualifying for free and reduced-price  
12 lunch support in the prior school year. ~~((During the 2011-2013~~  
13 ~~biennium,))~~ Funding shall continue to be phased-in ~~((each year))~~  
14 according to an implementation schedule adopted by the legislature  
15 until full statewide implementation of all-day kindergarten is achieved  
16 ~~((in the 2017-18 school year))~~. Once a school receives funding for the  
17 all-day kindergarten program, that school shall remain eligible for  
18 funding in subsequent school years regardless of changes in the  
19 school's percentage of students eligible for free and reduced-price  
20 lunches as long as other program requirements are fulfilled.  
21 Additionally, schools receiving all-day kindergarten program support  
22 shall agree to the following conditions:

- 23 (a) Provide at least a one thousand-hour instructional program;
- 24 (b) Provide a curriculum that offers a rich, varied set of  
25 experiences that assist students in:
  - 26 (i) Developing initial skills in the academic areas of reading,  
27 mathematics, and writing;
  - 28 (ii) Developing a variety of communication skills;
  - 29 (iii) Providing experiences in science, social studies, arts,  
30 health and physical education, and a world language other than English;
  - 31 (iv) Acquiring large and small motor skills;
  - 32 (v) Acquiring social and emotional skills including successful  
33 participation in learning activities as an individual and as part of a  
34 group; and
  - 35 (vi) Learning through hands-on experiences;
- 36 (c) Establish learning environments that are developmentally  
37 appropriate and promote creativity;

1 (d) Demonstrate strong connections and communication with early  
2 learning community providers; and

3 (e) Participate in kindergarten program readiness activities with  
4 early learning providers and parents.

5 (2) Subject to funds appropriated for this purpose, the  
6 superintendent of public instruction shall designate one or more school  
7 districts to serve as resources and examples of best practices in  
8 designing and operating a high-quality all-day kindergarten program.  
9 Designated school districts shall serve as lighthouse programs and  
10 provide technical assistance to other school districts in the initial  
11 stages of implementing an all-day kindergarten program. Examples of  
12 topics addressed by the technical assistance include strategic  
13 planning, developing the instructional program and curriculum, working  
14 with early learning providers to identify students and communicate with  
15 parents, and developing kindergarten program readiness activities.

16 **Sec. 7.** RCW 28A.160.150 and 2009 c 548 s 304 are each amended to  
17 read as follows:

18 Funds allocated for transportation costs, except for funds provided  
19 for transportation and transportation services to and from school in  
20 accordance with an implementation schedule adopted by the legislature,  
21 shall be in addition to the basic education allocation. The  
22 distribution formula developed in RCW 28A.160.150 through 28A.160.180  
23 shall be for allocation purposes only and shall not be construed as  
24 mandating specific levels of pupil transportation services by local  
25 districts. Operating costs as determined under RCW 28A.160.150 through  
26 28A.160.180 shall be funded at one hundred percent or as close thereto  
27 as reasonably possible for transportation of an eligible student to and  
28 from school as defined in RCW 28A.160.160(3). In addition, funding  
29 shall be provided for transportation services for students living  
30 within the walk area as determined under RCW 28A.160.160(5).

31 **Sec. 8.** RCW 28A.160.192 and 2010 c 236 s 8 are each amended to  
32 read as follows:

33 (1) The superintendent of public instruction shall phase-in ((~~the~~  
34 ~~implementation of~~)) the distribution formula under this chapter for  
35 allocating state funds to school districts for the transportation of  
36 students to and from school in accordance with an implementation

1 schedule adopted by the legislature. ((~~The phase in shall begin no~~  
2 ~~later than the 2011-2013 biennium and be fully implemented by the 2013-~~  
3 ~~2015 biennium.~~))

4 (a) The formula must be developed and revised on an ongoing basis  
5 using the major cost factors in student transportation, including basic  
6 and special student loads, school district land area, average distance  
7 to school, roadway miles, and number of locations served. Factors must  
8 include all those site characteristics that are statistically  
9 significant after analysis of the data required by the revised  
10 reporting process.

11 (b) The formula must allocate funds to school districts based on  
12 the average predicted costs of transporting students to and from  
13 school, using a regression analysis. Only factors that are  
14 statistically significant shall be used in the regression analysis.  
15 Employee compensation costs included in the allowable transportation  
16 expenditures used for the purpose of establishing each school  
17 district's independent variable in the regression analysis shall be  
18 limited to the base salary or hourly wage rates, fringe benefit rates,  
19 and applicable health care rates provided in the omnibus appropriations  
20 act.

21 (2) During the phase-in period, funding provided to school  
22 districts for student transportation operations shall be distributed on  
23 the following basis:

24 (a) Annually, each school district shall receive the lesser of the  
25 previous school year's pupil transportation operations allocation, or  
26 the total of allowable pupil transportation expenditures identified on  
27 the previous school year's final expenditure report to the state plus  
28 district indirect expenses using the ((~~state recovery~~)) federal  
29 restricted indirect rate ((identified by the superintendent)) as  
30 calculated in the district annual financial report; ((and))

31 (b) Annually, the amount identified in (a) of this subsection shall  
32 be adjusted for any budgeted increases provided in the omnibus  
33 appropriations act for salaries or fringe benefits;

34 (c) Annually, any funds appropriated by the legislature in excess  
35 of the maintenance level funding amount for student transportation  
36 shall be distributed among school districts on a prorated basis using  
37 the difference between the amount identified in (a) adjusted by (b) of

1 this subsection and the amount determined under the formula in RCW  
2 28A.160.180; and

3 (d) Allocations provided to recognize the cost of depreciation to  
4 districts contracting with private carriers for student transportation  
5 shall be deducted from the allowable transportation expenditures in (a)  
6 of this subsection.

7 **Sec. 9.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4 are  
8 each reenacted and amended to read as follows:

9 (1) The quality education council is created to recommend and  
10 inform the ongoing implementation by the legislature of an evolving  
11 program of basic education and the financing necessary to support such  
12 program. The council shall develop strategic recommendations on the  
13 program of basic education for the common schools. The council shall  
14 take into consideration the capacity report produced under RCW  
15 28A.300.172 and the availability of data and progress of implementing  
16 the data systems required under RCW 28A.655.210. Any recommendations  
17 for modifications to the program of basic education shall be based on  
18 evidence that the programs effectively support student learning. The  
19 council shall update the statewide strategic recommendations every four  
20 years. The recommendations of the council are intended to:

21 (a) Inform future educational policy and funding decisions of the  
22 legislature and governor;

23 (b) Identify measurable goals and priorities for the educational  
24 system in Washington state for a ten-year time period, including the  
25 goals of basic education and ongoing strategies for coordinating  
26 statewide efforts to eliminate the achievement gap and reduce student  
27 dropout rates; and

28 (c) Enable the state of Washington to continue to implement an  
29 evolving program of basic education.

30 (2) The council may request updates and progress reports from the  
31 office of the superintendent of public instruction, the state board of  
32 education, the professional educator standards board, and the  
33 department of early learning on the work of the agencies as well as  
34 educational working groups established by the legislature.

35 (3) The chair of the council shall be selected from the  
36 councilmembers. The council shall be composed of the following  
37 members:

1 (a) Four members of the house of representatives, with two members  
2 representing each of the major caucuses and appointed by the speaker of  
3 the house of representatives;

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

6 (c) One representative each from the office of the governor, office  
7 of the superintendent of public instruction, state board of education,  
8 professional educator standards board, and department of early  
9 learning; and

10 (d) One nonlegislative representative from the achievement gap  
11 oversight and accountability committee established under RCW  
12 28A.300.136, to be selected by the members of the committee.

13 (4) In the 2009 fiscal year, the council shall meet as often as  
14 necessary as determined by the chair. In subsequent years, the council  
15 shall meet no more than four times a year.

16 (5)(a) The council shall submit an initial report to the governor  
17 and the legislature by January 1, 2010, detailing its recommendations,  
18 including recommendations for resolving issues or decisions requiring  
19 legislative action during the 2010 legislative session, and  
20 recommendations for any funding necessary to continue development and  
21 implementation of chapter 548, Laws of 2009.

22 (b) The initial report shall, at a minimum, include:

23 (i) Consideration of how to establish a statewide beginning teacher  
24 mentoring and support system;

25 (ii) Recommendations for a program of early learning for at-risk  
26 children;

27 (iii) A recommended schedule for the concurrent phase-in of the  
28 changes to the instructional program of basic education and the  
29 implementation of the funding formulas and allocations to support the  
30 new instructional program of basic education as established under  
31 chapter 548, Laws of 2009(~~(. The phase in schedule shall have full  
32 implementation completed by September 1, 2018))~~); and

33 (iv) A recommended schedule for phased-in implementation of the new  
34 distribution formula for allocating state funds to school districts for  
35 the transportation of students to and from school, with phase-in  
36 beginning no later than September 1, 2013.

37 (6) The council shall submit a report to the legislature by January  
38 1, 2012, detailing its recommendations for a comprehensive plan for a

1 voluntary program of early learning. Before submitting the report, the  
2 council shall seek input from the early learning advisory council  
3 created in RCW 43.215.090.

4 (7) The council shall submit a report to the governor and the  
5 legislature by December 1, 2010, that includes:

6 (a) Recommendations for specific strategies, programs, and funding,  
7 including funding allocations through the funding distribution formula  
8 in RCW 28A.150.260, that are designed to close the achievement gap and  
9 increase the high school graduation rate in Washington public schools.  
10 The council shall consult with the achievement gap oversight and  
11 accountability committee and the building bridges work group in  
12 developing its recommendations; and

13 (b) Recommendations for assuring adequate levels of state-funded  
14 classified staff to support essential school and district services.

15 (8)(a) By January 1, 2013, the council shall synthesize the  
16 recommendations and reports from the working groups and entities in (b)  
17 of this subsection to develop a concurrent phase-in schedule for the  
18 legislature to fully implement the changes to the instructional program  
19 of basic education and the enhancements of the funding formulas.

20 (b) Recommendations from the following shall be considered in  
21 developing the phase-in schedule under this subsection (8):

22 (i) The funding formula technical working group;

23 (ii) The local funding technical working group;

24 (iii) The compensation technical working group;

25 (iv) The highly capable program technical working group;

26 (v) The learning assistance program technical working group;

27 (vi) The transitional bilingual instruction program technical  
28 working group;

29 (vii) The state board of education, regarding high school  
30 graduation requirements; and

31 (viii) The office of the superintendent of public instruction's  
32 capacity report.

33 (c) The council is encouraged to also consider other major policy  
34 changes that schools and districts are being required to implement,  
35 such as the new common core standards, the new assessments of the  
36 common core, the new high school graduation requirements, and the new  
37 teacher and principal evaluation pilot programs when developing the  
38 recommendations due by January 1, 2013.

1        (9) The council shall be staffed by the office of the  
2 superintendent of public instruction and the office of financial  
3 management. Additional staff support shall be provided by the state  
4 entities with representatives on the council. Senate committee  
5 services and the house of representatives office of program research  
6 may provide additional staff support.

7        ~~((+9))~~ (10) Legislative members of the council shall serve without  
8 additional compensation but may be reimbursed for travel expenses in  
9 accordance with RCW 44.04.120 while attending sessions of the council  
10 or on official business authorized by the council. Nonlegislative  
11 members of the council may be reimbursed for travel expenses in  
12 accordance with RCW 43.03.050 and 43.03.060.

13        **Sec. 10.** RCW 28A.400.201 and 2010 c 236 s 7 are each amended to  
14 read as follows:

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

28        (2) Beginning July 1, 2011, the office of the superintendent of  
29 public instruction, in collaboration with the office of financial  
30 management, shall convene a technical working group to recommend the  
31 details of an enhanced salary allocation model that aligns state  
32 expectations for educator development and certification with the  
33 compensation system and establishes recommendations for a concurrent  
34 implementation schedule. In addition to any other details the  
35 technical working group deems necessary, the technical working group  
36 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) Whether Initiative 732 should be removed as a separate funding  
11 source but the funds folded into the basic education allocations; and
- 12 (g) Initial fiscal estimates for implementing the recommendations  
13 including a recognition that staff on the existing salary allocation  
14 model would have the option to grandfather in permanently to the  
15 existing schedule.
- 16 (3) As part of its work, the technical working group shall conduct  
17 or contract for a preliminary comparative labor market analysis of  
18 salaries and other compensation for school district employees to be  
19 conducted and shall include the results in any reports to the  
20 legislature. For the purposes of this subsection, "salaries and other  
21 compensation" includes average base salaries, average total salaries,  
22 average employee basic benefits, and retirement benefits.
- 23 (4) The analysis required under subsection (1) of this section  
24 must:
- 25 (a) Examine salaries and other compensation for teachers, other  
26 certificated instructional staff, principals, and other building-level  
27 certificated administrators, and the types of classified employees for  
28 whom salaries are allocated;
- 29 (b) Be calculated at a statewide level that identifies labor  
30 markets in Washington through the use of data from the United States  
31 bureau of the census and the bureau of labor statistics; and
- 32 (c) Include a comparison of salaries and other compensation to the  
33 appropriate labor market for at least the following subgroups of  
34 educators: Beginning teachers and types of educational staff  
35 associates.
- 36 (5) The working group shall include representatives of the  
37 department of personnel, the professional educator standards board, the  
38 office of the superintendent of public instruction, the Washington

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

9 (6) The working group shall be monitored and overseen by the  
10 legislature and the quality education council created in RCW  
11 28A.290.010. The working group shall make an initial report to the  
12 legislature by June 30, 2012, and shall include in its report  
13 recommendations for whether additional further work of the group is  
14 necessary.

15 **Sec. 11.** RCW 28A.505.220 and 2009 c 541 s 1 and 2009 c 479 s 18  
16 are each reenacted and amended to read as follows:

17 (1) Total distributions for the student achievement program from  
18 the general fund to each school district shall be based upon the  
19 average number of full-time equivalent students in the school district  
20 during the previous school year as reported to the office of the  
21 superintendent of public instruction by August 31st of the previous  
22 school year. The superintendent of public instruction shall ensure  
23 that moneys generated by skill center students are returned to skill  
24 centers.

25 (2) The allocation rate per full-time equivalent student shall be  
26 three hundred dollars in the 2005-06 school year, three hundred  
27 seventy-five dollars in the 2006-07 school year, and four hundred fifty  
28 dollars in the 2007-08 school year. For each subsequent school year,  
29 the amount allocated per full-time equivalent student shall be adjusted  
30 for inflation by the implicit price deflator as published by the  
31 federal bureau of labor statistics. However, ~~((for the 2009-10 and  
32 2010-11 school years))~~ beginning with the 2010-11 school year, the  
33 amount allocated per full-time equivalent student shall be as specified  
34 in the omnibus appropriations act. ~~((For the 2011-12 school year and  
35 thereafter, amounts allocated shall be further adjusted so that the  
36 allocations are equal to what they would have been if allocations had  
37 not been reduced for the 2009-10 and 2010-11 school years.))~~ These

1 allocations per full-time equivalent student shall be supported from  
2 the distributions from the education legacy trust account created in  
3 RCW 83.100.230 and the state general fund.

4 (3) The school district annual amounts as defined in subsection (2)  
5 of this section shall be distributed on the monthly apportionment  
6 schedule as defined in RCW 28A.510.250.

7 ~~((4) However, during the 2008-09 school year, the school district  
8 annual amounts as defined in this section shall be distributed as  
9 follows:~~

10 ~~September: 9.0 percent;~~  
11 ~~October: 9.0 percent;~~  
12 ~~November: 5.5 percent;~~  
13 ~~December: 9.0 percent;~~  
14 ~~January: 9.0 percent;~~  
15 ~~February: 9.0 percent;~~  
16 ~~March: 9.0 percent;~~  
17 ~~April: 9.0 percent;~~  
18 ~~May: 5.5 percent;~~  
19 ~~June: 4.2 percent;~~  
20 ~~July: 11.8 percent; and~~  
21 ~~August: 10.0 percent.))~~

22 **Sec. 12.** RCW 28A.400.205 and 2009 c 573 s 1 are each amended to  
23 read as follows:

24 (1) School district employees shall be provided an annual salary  
25 cost-of-living increase in accordance with this section.

26 (a) The cost-of-living increase shall be calculated by applying the  
27 rate of the yearly increase in the cost-of-living index to any state-  
28 funded salary base used in state funding formulas for teachers and  
29 other school district employees. Beginning with the 2001-02 school  
30 year, and for each subsequent school year, except for the ~~((2009-10 and  
31 2010-11))~~ 2011-12 through 2014-15 school years, each school district  
32 shall be provided a cost-of-living allocation sufficient to grant this  
33 cost-of-living increase.

34 (b) A school district shall distribute its cost-of-living  
35 allocation for salaries and salary-related benefits in accordance with  
36 the district's salary schedules, collective bargaining agreements, and  
37 compensation policies. No later than the end of the school year, each

1 school district shall certify to the superintendent of public  
2 instruction that it has spent funds provided for cost-of-living  
3 increases on salaries and salary-related benefits.

4 (c) Any funded cost-of-living increase shall be included in the  
5 salary base used to determine cost-of-living increases for school  
6 employees in subsequent years. For teachers and other certificated  
7 instructional staff, the rate of the annual cost-of-living increase  
8 funded for certificated instructional staff shall be applied to the  
9 base salary used with the statewide salary allocation schedule  
10 established under RCW 28A.150.410 and to any other salary models used  
11 to recognize school district personnel costs.

12 ~~((d) During the 2011-2013 and 2013-2015 fiscal biennia, in  
13 addition to cost-of-living allocations required by (a) of this  
14 subsection, school districts shall receive additional cost-of-living  
15 allocations in equal increments such that by the end of the 2014-15  
16 school year school district employee base salaries used with the  
17 statewide salary allocation schedule established under RCW 28A.150.410  
18 and any other state salary models used to recognize school district  
19 personnel costs are, at a minimum, equal to what they would have been  
20 if cost-of-living allocations had not been suspended during the 2009-10  
21 or 2010-11 school years.))~~

22 (2) For the purposes of this section, "cost-of-living index" means,  
23 for any school year, the previous calendar year's annual average  
24 consumer price index, using the official current base, compiled by the  
25 bureau of labor statistics, United States department of labor for the  
26 state of Washington. If the bureau of labor statistics develops more  
27 than one consumer price index for areas within the state, the index  
28 covering the greatest number of people, covering areas exclusively  
29 within the boundaries of the state, and including all items shall be  
30 used for the cost-of-living index in this section.

31 **Sec. 13.** RCW 28B.50.465 and 2009 c 573 s 2 are each amended to  
32 read as follows:

33 (1) Academic employees of community and technical college districts  
34 shall be provided an annual salary cost-of-living increase in  
35 accordance with this section. For purposes of this section, "academic  
36 employee" has the same meaning as defined in RCW 28B.52.020.

1 (a) Beginning with the 2001-2002 fiscal year, and for each  
2 subsequent fiscal year, except as provided in (d) of this subsection,  
3 each college district shall receive a cost-of-living allocation  
4 sufficient to increase academic employee salaries, including mandatory  
5 salary-related benefits, by the rate of the yearly increase in the  
6 cost-of-living index.

7 (b) A college district shall distribute its cost-of-living  
8 allocation for salaries and salary-related benefits in accordance with  
9 the district's salary schedules, collective bargaining agreements, and  
10 other compensation policies. No later than the end of the fiscal year,  
11 each college district shall certify to the college board that it has  
12 spent funds provided for cost-of-living increases on salaries and  
13 salary-related benefits.

14 (c) The college board shall include any funded cost-of-living  
15 increase in the salary base used to determine cost-of-living increases  
16 for academic employees in subsequent years.

17 (d) Beginning with the 2001-2002 fiscal year, and for each  
18 subsequent fiscal year except for the ~~((2009-2010 and 2010-2011))~~ 2011-  
19 2012 through 2014-2015 fiscal years, the state shall fully fund the  
20 cost-of-living increase set forth in this section.

21 ~~((e) During the 2011-2013 and 2013-2015 fiscal biennia, in  
22 addition to cost-of-living allocations required by (a) of this  
23 subsection, community and technical college districts shall receive  
24 additional cost-of-living allocations in equal increments such that, by  
25 the end of the 2014-15 academic year, average salaries of academic  
26 employees of community and technical college districts will be, at a  
27 minimum, equal to what salaries would have been if cost-of-living  
28 allocations had not been suspended during the 2009-10 or 2010-11 school  
29 years.))~~

30 (2) For the purposes of this section, "cost-of-living index" means,  
31 for any fiscal year, the previous calendar year's annual average  
32 consumer price index, using the official current base, compiled by the  
33 bureau of labor statistics, United States department of labor for the  
34 state of Washington. If the bureau of labor statistics develops more  
35 than one consumer price index for areas within the state, the index  
36 covering the greatest number of people, covering areas exclusively  
37 within the boundaries of the state, and including all items shall be  
38 used for the cost-of-living index in this section.

1       **Sec. 14.** RCW 28A.405.415 and 2009 c 539 s 6 are each amended to  
2 read as follows:

3       (1) Certificated instructional staff who have attained  
4 certification from the national board for professional teaching  
5 standards shall receive a bonus each year in which they maintain the  
6 certification. The bonus shall be calculated as follows: The annual  
7 bonus shall be five thousand dollars in the 2007-08 school year.  
8 Thereafter, the annual bonus shall increase by inflation. For the  
9 ~~((2009-10 and 2010-11))~~ 2011-12 and 2012-13 school years the annual  
10 bonus shall be subject to the availability of amounts appropriated for  
11 this purpose and subject to such conditions as may be established in  
12 the omnibus appropriations act. ~~((During the 2011-2013 and 2013-2015~~  
13 ~~fiscal biennia, in addition to annual adjustments for inflation, the~~  
14 ~~bonus amount shall be additionally increased such that, by the end of~~  
15 ~~the 2014-15 school year, national board bonus amounts are, at a~~  
16 ~~minimum, equal to what they would have been if annual adjustments for~~  
17 ~~inflation had not been suspended during the 2009-10 or 2010-11 school~~  
18 ~~year.))~~

19       (2) Certificated instructional staff who have attained  
20 certification from the national board for professional teaching  
21 standards shall be eligible for bonuses in addition to that provided by  
22 subsection (1) of this section if the individual is in an instructional  
23 assignment in a school in which at least seventy percent of the  
24 students qualify for the free and reduced-price lunch program.

25       (3) The amount of the additional bonus under subsection (2) of this  
26 section for those meeting the qualifications of subsection (2) of this  
27 section is five thousand dollars. For the 2011-12 and 2012-13 school  
28 years, the annual bonus under subsection (2) of this section shall be  
29 subject to the availability of amounts appropriated for this purpose  
30 and subject to such conditions as may be established in the omnibus  
31 appropriations act.

32       (4) The bonuses provided under this section are in addition to  
33 compensation received under a district's salary schedule adopted in  
34 accordance with RCW 28A.405.200 and shall not be included in  
35 calculations of a district's average salary and associated salary  
36 limitations under RCW 28A.400.200.

37       (5) The bonuses provided under this section shall be paid in a lump  
38 sum amount.

1        NEW SECTION.   **Sec. 15.**   2010 c 236 s 1 (uncodified) is repealed.

2        NEW SECTION.   **Sec. 16.**   Sections 3 through 8 of this act take  
3 effect September 1, 2011.

4        NEW SECTION.   **Sec. 17.**   Section 11 of this act is necessary for the  
5 immediate preservation of the public peace, health, or safety, or  
6 support of the state government and its existing public institutions,  
7 and takes effect July 1, 2011.

8        NEW SECTION.   **Sec. 18.**   Sections 9, 10, and 12 through 14 of this  
9 act are necessary for the immediate preservation of the public peace,  
10 health, or safety, or support of the state government and its existing  
11 public institutions, and take effect immediately.

--- END ---