
SENATE BILL 6246

State of Washington

62nd Legislature

2012 Regular Session

By Senators McAuliffe, Eide, Nelson, and Rolfes

Read first time 01/16/12. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to strengthening categorical school programs based
2 on the recommendations of the quality education council; amending RCW
3 28A.165.015, 28A.165.025, 28A.320.190, 28A.185.020, 28A.185.030,
4 28A.180.090, 28A.180.060, and 28A.150.260; reenacting and amending RCW
5 28A.150.260; adding a new section to chapter 28A.185 RCW; providing an
6 effective date; and providing an expiration date.

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

8 **Sec. 1.** RCW 28A.165.015 and 2009 c 548 s 702 are each amended to
9 read as follows:

10 Unless the context clearly indicates otherwise the definitions in
11 this section apply throughout this chapter.

12 (1) "Approved program" means a program submitted to and approved by
13 the office of the superintendent of public instruction and conducted
14 pursuant to the plan that addresses the required elements as provided
15 for in this chapter.

16 (2) "Basic skills areas" means reading, writing, ~~((and))~~
17 mathematics, and science as well as readiness associated with these
18 skills.

1 (3) "Participating student" means a student in kindergarten through
2 grade twelve who scores below standard for his or her grade level on
3 the statewide assessments and who is identified in the approved plan to
4 receive services.

5 (4) "Statewide assessments" means one or more of the several basic
6 skills assessments administered as part of the state's student
7 assessment system, and assessments in the basic skills areas
8 administered by local school districts.

9 (5) "Underachieving students" means students with the greatest
10 academic deficits in basic skills as identified by the statewide
11 assessments.

12 **Sec. 2.** RCW 28A.165.025 and 2009 c 556 s 1 are each amended to
13 read as follows:

14 (1) A participating school district shall submit the district's
15 plan for using learning assistance funds to the office of the
16 superintendent of public instruction for approval, to the extent
17 required under subsection (2) of this section. The program plan must
18 identify the program activities to be implemented from RCW 28A.165.035
19 and implement all of the elements in (a) through (h) of this
20 subsection. The school district plan shall include the following:

21 (a) District and school-level data on reading, writing, science,
22 and mathematics achievement as reported pursuant to chapter 28A.655 RCW
23 and relevant federal law;

24 (b) Processes used for identifying the underachieving students to
25 be served by the program, including the identification of school or
26 program sites providing program activities;

27 (c) How accelerated learning plans are developed and implemented
28 for participating students. Accelerated learning plans may be
29 developed as part of existing student achievement plan process such as
30 student plans for achieving state high school graduation standards,
31 individual student academic plans, or the achievement plans for groups
32 of students. Accelerated learning plans shall include:

33 (i) Achievement goals for the students;

34 (ii) Roles of the student, parents, or guardians and teachers in
35 the plan;

36 (iii) Communication procedures regarding student accomplishment;

37 and

1 (iv) Plan reviews and adjustments processes;

2 (d) How state level and classroom assessments are used to inform
3 instruction;

4 (e) How focused and intentional instructional strategies have been
5 identified and implemented;

6 (f) How highly qualified instructional staff are developed and
7 supported in the program and in participating schools;

8 (g) How other federal, state, district, and school resources are
9 coordinated with school improvement plans and the district's strategic
10 plan to support underachieving students; and

11 (h) How a program evaluation will be conducted to determine
12 direction for the following school year.

13 (2) If a school district has received approval of its plan once, it
14 is not required to submit a plan for approval under RCW 28A.165.045 or
15 this section unless the district has made a significant change to the
16 plan. If a district has made a significant change to only a portion of
17 the plan the district need only submit a description of the changes
18 made and not the entire plan. Plans or descriptions of changes to the
19 plan must be submitted by July 1st as required under this section. The
20 office of the superintendent of public instruction shall establish
21 guidelines for what a "significant change" is.

22 **Sec. 3.** RCW 28A.320.190 and 2009 c 578 s 2 are each amended to
23 read as follows:

24 (1) The extended learning opportunities program is created for
25 eligible (~~eleventh and~~) ninth through twelfth grade students who are
26 not on track to meet local or state graduation requirements as well as
27 eighth grade students who need additional assistance in order to have
28 the opportunity for a successful entry into high school. The program
29 shall provide early notification of graduation status and information
30 on education opportunities including preapprenticeship programs that
31 are available.

32 (2) Under the extended learning opportunities program and to the
33 extent funds are available for that purpose, districts shall make
34 available to students in grade twelve who have failed to meet one or
35 more local or state graduation requirements the option of continuing
36 enrollment in the school district in accordance with RCW 28A.225.160.

1 Districts are authorized to use basic education program funding to
2 provide instruction to eligible students under RCW 28A.150.220(~~(+3)~~)
3 (5).

4 (3) Under the extended learning opportunities program,
5 instructional services for eligible students can occur during the
6 regular school day, evenings, on weekends, or at a time and location
7 deemed appropriate by the school district, including the educational
8 service district, in order to meet the needs of these students.
9 Instructional services provided under this section do not include
10 services offered at private schools. Instructional services can
11 include, but are not limited to, the following:

12 (a) Individual or small group instruction;

13 (b) Instruction in English language arts and/or mathematics that
14 eligible students need to pass all or part of the (~~Washington~~) state
15 high school assessment (~~(of student learning)~~);

16 (c) Attendance in a public high school or public alternative school
17 classes or at a skill center;

18 (d) Inclusion in remediation programs, including summer school;

19 (e) Language development instruction for English language learners;

20 (f) Online curriculum and instructional support, including programs
21 for credit retrieval and (~~Washington~~) state assessment (~~(of student~~
22 ~~learning)~~) preparatory classes; and

23 (g) Reading improvement specialists available at the educational
24 service districts to serve eighth(~~, eleventh, and~~) through twelfth
25 grade educators through professional development in accordance with RCW
26 28A.415.350. The reading improvement specialist may also provide
27 direct services to eligible students and those students electing to
28 continue a fifth year in a high school program who are still struggling
29 with basic reading skills.

30 NEW SECTION. Sec. 4. A new section is added to chapter 28A.185
31 RCW to read as follows:

32 For the purposes of the program for highly capable students under
33 this chapter, a highly capable student means a student who performs, or
34 shows potential for performing, at significantly advanced levels when
35 compared to others of his or her age, experience, or environment.
36 Outstanding capabilities are seen with the student's general
37 intellectual aptitudes, specific academic abilities, creative

1 productivities within a specific domain, or leadership skills. Highly
2 capable students are present in all cultural and linguistic groups and
3 across all socioeconomic strata; coexist with all manner of disabling
4 conditions both visible and invisible; and manifest across all areas of
5 human endeavor.

6 **Sec. 5.** RCW 28A.185.020 and 2009 c 548 s 708 are each amended to
7 read as follows:

8 (1) The legislature finds that, for highly capable students, access
9 to accelerated learning and enhanced instruction is access to a basic
10 education. The education of highly capable students may include
11 supports and services that are in addition to those ordinarily provided
12 as part of general education.

13 (2) There are multiple definitions of highly capable, from
14 intellectual to academic to artistic. The research literature strongly
15 supports using multiple criteria to identify highly capable students,
16 and therefore, the legislature does not intend to prescribe a single
17 method. Instead, the legislature intends to allocate funding based on
18 two and three hundred fourteen one-thousandths percent of each school
19 district's population and authorize school districts to identify
20 through the use of multiple, objective criteria those students most
21 highly capable and eligible to receive accelerated learning and
22 enhanced instruction in the program offered by the district. Access to
23 accelerated learning and enhanced instruction through the program for
24 highly capable students does not constitute an individual entitlement
25 for any particular student.

26 ((+2)) (3) Supplementary funds provided by the state for the
27 program for highly capable students under RCW 28A.150.260 shall be
28 categorical funding to provide services to highly capable students as
29 determined by a school district under RCW 28A.185.030.

30 **Sec. 6.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to
31 read as follows:

32 Local school districts may establish and operate, either separately
33 or jointly, programs for highly capable students. Such authority shall
34 include the right to employ and pay special instructors and to operate
35 such programs jointly with a public institution of higher education.

1 Local school districts which establish and operate programs for highly
2 capable students shall adopt identification procedures and provide
3 educational opportunities as follows:

4 (1) In accordance with rules adopted by the superintendent of
5 public instruction, school districts shall implement procedures for
6 nomination, assessment and selection of their most highly capable
7 students for the purposes of the highly capable program. (~~Nominations~~
8 ~~shall be based upon data from teachers, other staff, parents, students,~~
9 ~~and members of the community. Assessment shall be based upon a review~~
10 ~~of each student's capability as shown by multiple criteria intended to~~
11 ~~reveal, from a wide variety of sources and data, each student's unique~~
12 ~~needs and capabilities. Selection shall be made by a broadly based~~
13 ~~committee of professionals, after consideration of the results of the~~
14 ~~multiple criteria assessment.)) Under the procedures, no single
15 criterion should prevent a student's identification. However, any
16 single criterion, if strong enough, may indicate a need for services.
17 The rules adopted by the superintendent of public instruction must
18 include but are not limited to consistent procedures for:~~

- 19 (a) Universal screening;
- 20 (b) Regular public notification;
- 21 (c) Use of multiple criteria;
- 22 (d) Involvement of qualified professionals in the identification
23 process;
- 24 (e) Family involvement in decision making;
- 25 (f) Notification of parents or legal guardians;
- 26 (g) Safeguards to reduce cultural, linguistic, socioeconomic, and
27 gender bias, and to mitigate impacts resulting from disabilities; and
- 28 (h) Periodic reviews, including input from families.

29 (2) When a student, who is a child of a military family in
30 transition, has been assessed or enrolled as highly capable by a
31 sending school, the receiving school shall initially honor placement of
32 the student into a like program.

33 (a) The receiving school shall determine whether the district's
34 program is a like program when compared to the sending school's
35 program; and

36 (b) The receiving school may conduct subsequent assessments to
37 determine appropriate placement and continued enrollment in the
38 program.

1 (3) Students selected pursuant to procedures outlined in this
2 section shall be provided, to the extent feasible, an educational
3 opportunity which takes into account each student's unique needs and
4 capabilities and the limits of the resources and program options
5 available to the district, including those options which can be
6 developed or provided by using funds allocated by the superintendent of
7 public instruction for that purpose.

8 (4) The definitions in Article II of RCW 28A.705.010 apply to
9 subsection (2) of this section.

10 **Sec. 7.** RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each
11 amended to read as follows:

12 The superintendent of public instruction shall develop an
13 evaluation system designed to measure increases in the English and
14 academic proficiency of eligible pupils. When developing the system,
15 the superintendent shall:

16 (1) Require school districts to assess potentially eligible pupils
17 within ten days of registration using an English proficiency assessment
18 or assessments as specified by the superintendent of public
19 instruction. Results of these assessments shall be made available to
20 both the superintendent of public instruction and the school district;

21 (2) Require school districts to annually assess all eligible pupils
22 at the end of the school year using an English proficiency assessment
23 or assessments as specified by the superintendent of public
24 instruction. Results of these assessments shall be made available to
25 both the superintendent of public instruction and the school district.
26 Aggregated results must be posted on the web site of the office of the
27 superintendent of public instruction for each school and school
28 district, using the Washington state report card. The report card must
29 include the average length of time students in each school and district
30 are enrolled in the transitional bilingual instructional program,
31 annual change in the number and percentage of students making progress
32 in learning English, annual change in the number and percentage of
33 students attaining English proficiency, and the number and percentage
34 of students meeting annual targets in reading and mathematics for state
35 and federal accountability; and

36 (3) Develop a system to evaluate increases in the English and
37 academic proficiency of students who are, or were, eligible pupils.

1 This evaluation shall include students when they are in the program and
2 after they exit the program until they finish their K-12 career or
3 transfer from the school district. Aggregated results from the
4 academic assessment of students who were formerly eligible pupils under
5 the program must be reported by school and school district using the
6 Washington state report card. The purpose of the evaluation system is
7 to inform schools, school districts, parents, and the state of the
8 effectiveness of the transitional bilingual programs in school and
9 school districts in teaching these students English and other content
10 areas, such as mathematics and writing(~~and~~

11 ~~(4) Report to the education and fiscal committees of the~~
12 ~~legislature by November 1, 2002, regarding the development of the~~
13 ~~systems described in this section and a timeline for the full~~
14 ~~implementation of those systems. The legislature shall approve and~~
15 ~~provide funding for the evaluation system in subsection (3) of this~~
16 ~~section before any implementation of the system developed under~~
17 ~~subsection (3) of this section may occur)).~~

18 **Sec. 8.** RCW 28A.180.060 and 1990 c 33 s 165 are each amended to
19 read as follows:

20 The superintendent of public instruction shall:

21 (1) Promulgate and issue program development guidelines to assist
22 school districts in preparing their programs;

23 (2) ~~((Promulgate))~~ Adopt rules for implementation of RCW
24 28A.180.010 through 28A.180.080 in accordance with chapter 34.05 RCW.
25 The rules shall be designed to maximize the role of school districts in
26 selecting programs appropriate to meet the needs of eligible students.
27 The rules shall identify the process and criteria to be used to
28 determine when a student is no longer eligible for transitional
29 bilingual instruction pursuant to RCW 28A.180.010 through 28A.180.080;

30 (3) Adopt rules that hold school districts receiving funding for
31 the transitional bilingual instruction program accountable for making
32 progress on measurable outcomes; and

33 (4) Adopt rules that require school districts to assure that
34 certificated instructional staff who are newly assigned to the
35 transitional bilingual instruction program beginning in the 2017-18
36 school year and thereafter hold a certificate endorsement in English

1 language learning or bilingual education. The provisions of this
2 subsection apply both to newly hired staff and staff transferred from
3 another program.

4 **Sec. 9.** RCW 28A.150.260 and 2011 1st sp.s. c 34 s 9 and 2011 1st
5 sp.s. c 27 s 2 are each reenacted and amended to read as follows:

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

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

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

26 (3)(a) To the extent the technical details of the formula have been
27 adopted by the legislature and except when specifically provided as a
28 school district allocation, the distribution formula for the basic
29 education instructional allocation shall be based on minimum staffing
30 and nonstaff costs the legislature deems necessary to support
31 instruction and operations in prototypical schools serving high,
32 middle, and elementary school students as provided in this section.
33 The use of prototypical schools for the distribution formula does not
34 constitute legislative intent that schools should be operated or
35 structured in a similar fashion as the prototypes. Prototypical
36 schools illustrate the level of resources needed to operate a school of
37 a particular size with particular types and grade levels of students

1 using commonly understood terms and inputs, such as class size, hours
2 of instruction, and various categories of school staff. It is the
3 intent that the funding allocations to school districts be adjusted
4 from the school prototypes based on the actual number of annual average
5 full-time equivalent students in each grade level at each school in the
6 district and not based on the grade-level configuration of the school
7 to the extent that data is available. The allocations shall be further
8 adjusted from the school prototypes with minimum allocations for small
9 schools and to reflect other factors identified in the omnibus
10 appropriations act.

11 (b) The total aggregate statewide allocations calculated under
12 subsections (4) through (12) of this section for full-time equivalent
13 student enrollment in alternative learning experience programs as
14 defined in RCW 28A.150.325 shall be reduced by fifteen percent for the
15 2011-12 and 2012-13 school years. The superintendent of public
16 instruction shall determine how to implement this aggregate fifteen
17 percent reduction among the different alternative learning experience
18 programs. No program may receive less than a ten percent reduction and
19 no program may receive greater than a twenty percent reduction. In
20 determining how to implement the reductions among the alternative
21 learning experience programs, the superintendent of public instruction
22 must look to both how a program is currently operating as well as how
23 it has operated in the past, to the extent that data is available, and
24 must give consideration to the following criteria:

- 25 (i) The category of program;
- 26 (ii) The certificated instructional staffing ratio maintained by
27 the program;
- 28 (iii) The amount and type of direct personal student-to-teacher
29 contact used by the program on a weekly basis;
- 30 (iv) Whether the program uses any classroom-based instructional
31 time to meet requirements in the written student learning plan for
32 enrolled students; and
- 33 (v) For online programs, whether the program is approved by the
34 superintendent of public instruction under RCW 28A.250.020.

35 (c) The superintendent of public instruction shall report to the
36 legislature by December 31, 2011, regarding how the reductions in (b)
37 of this subsection were implemented.

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

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

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

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

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

	General education average class size
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

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

Career and technical
education average

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

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

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

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

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

	Elementary	Middle	High
	School	School	School
19 Principals, assistant principals, and other certificated building-level			
20 administrators	1.253	1.353	1.880
21 Teacher librarians, a function that includes information literacy, technology,			
22 and media to support school library media programs	0.663	0.519	0.523
23 Health and social services:			
24 School nurses	0.076	0.060	0.096
25 Social workers	0.042	0.006	0.015
26 Psychologists	0.017	0.002	0.007
27 Guidance counselors, a function that includes parent outreach and graduation			
28 advising	0.493	1.116	1.909
29 Teaching assistance, including any aspect of educational instructional			
30 services provided by classified employees	0.936	0.700	0.652
31 Office support and other noninstructional aides	2.012	2.325	3.269
32 Custodians	1.657	1.942	2.965
33 Classified staff providing student and staff safety	0.079	0.092	0.141
34 Parent involvement coordinators	0.00	0.00	0.00

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

	Staff per 1,000 K-12 students
5 Technology	0.628
6 Facilities, maintenance, and grounds	1.813
7 Warehouse, laborers, and mechanics	0.332

10 (b) The minimum allocation of staff units for each school district
 11 to support certificated and classified staffing of central
 12 administration shall be 5.30 percent of the staff units generated under
 13 subsections (4)(a) and (b) and (5) of this section and (a) of this
 14 subsection.

15 (7) The distribution formula shall include staffing allocations to
 16 school districts for career and technical education and skill center
 17 administrative and other school-level certificated staff, as specified
 18 in the omnibus appropriations act.

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

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

35 (b) During the 2011-2013 biennium, the minimum allocation for
 36 maintenance, supplies, and operating costs shall be increased as
 37 specified in the omnibus appropriations act. The following

1 allocations, adjusted for inflation from the 2007-08 school year, are
2 provided in the 2015-16 school year, after which the allocations shall
3 be adjusted annually for inflation as specified in the omnibus
4 appropriations act:

	Per annual average full-time equivalent student in grades K-12
5	
6	
7	
8 Technology	\$113.80
9 Utilities and insurance	\$309.21
10 Curriculum and textbooks	\$122.17
11 Other supplies and library materials	\$259.39
12 Instructional professional development for certificated and 13 classified staff	\$18.89
14 Facilities maintenance	\$153.18
15 Security and central office administration	\$106.12

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

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

21 (b) Laboratory science courses for students in grades nine through
22 twelve;

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

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

27 (10) In addition to the allocations otherwise provided under this
28 section, amounts shall be provided to support the following programs
29 and services:

30 (a) To provide supplemental instruction and services for
31 underachieving students through the learning assistance program under
32 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
33 district percentage of students in grades K-12 who were eligible for
34 free or reduced-price meals in the prior school year. The minimum
35 allocation for the program shall provide for each level of prototypical
36 school resources to provide, on a statewide average, 1.5156 hours per
37 week in extra instruction with a class size of fifteen learning
38 assistance program students per teacher.

1 (b) To provide supplemental instruction and services for students
2 whose primary language is other than English, allocations shall be
3 based on the head count number of students in each school who are
4 eligible for and enrolled in the transitional bilingual instruction
5 program under RCW 28A.180.010 through 28A.180.080. The minimum
6 allocation for each level of prototypical school shall provide
7 resources to provide, on a statewide average, 4.7780 hours per week in
8 extra instruction with fifteen transitional bilingual instruction
9 program students per teacher for students who have not reached
10 proficiency in English as determined by the annual English proficiency
11 assessment under RCW 28A.180.090. Notwithstanding other provisions of
12 this subsection (10), the actual per-student allocation may be scaled
13 to provide a larger allocation for students needing more intensive
14 intervention and a commensurate reduced allocation for students needing
15 less intensive intervention, as detailed in the omnibus appropriations
16 act.

17 (c) To provide additional allocations to support programs for
18 highly capable students under RCW 28A.185.010 through 28A.185.030,
19 allocations shall be based on two and three hundred fourteen one-
20 thousandths percent of each school district's full-time equivalent
21 basic education enrollment. The minimum allocation for the programs
22 shall provide resources to provide, on a statewide average, 2.1590
23 hours per week in extra instruction with fifteen highly capable program
24 students per teacher.

25 (11) The allocations under subsections (4)(a) and (b), (5), (6),
26 and (8) of this section shall be enhanced as provided under RCW
27 28A.150.390 on an excess cost basis to provide supplemental
28 instructional resources for students with disabilities.

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

36 (b) Allocations or enhancements provided under subsections (4),
37 (7), and (9) of this section for exploratory and preparatory career and

1 technical education courses shall be provided only for courses approved
2 by the office of the superintendent of public instruction under chapter
3 28A.700 RCW.

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

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

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

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

27 **Sec. 10.** RCW 28A.150.260 and 2011 1st sp.s. c 27 s 2 are each
28 amended to read as follows:

29 The purpose of this section is to provide for the allocation of
30 state funding that the legislature deems necessary to support school
31 districts in offering the minimum instructional program of basic
32 education under RCW 28A.150.220. The allocation shall be determined as
33 follows:

34 (1) The governor shall and the superintendent of public instruction
35 may recommend to the legislature a formula for the distribution of a
36 basic education instructional allocation for each common school
37 district.

1 (2) The distribution formula under this section shall be for
2 allocation purposes only. Except as may be required under chapter
3 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
4 regulations, nothing in this section requires school districts to use
5 basic education instructional funds to implement a particular
6 instructional approach or service. Nothing in this section requires
7 school districts to maintain a particular classroom teacher-to-student
8 ratio or other staff-to-student ratio or to use allocated funds to pay
9 for particular types or classifications of staff. Nothing in this
10 section entitles an individual teacher to a particular teacher planning
11 period.

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

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

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

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

4 (iii) A prototypical elementary school has four hundred average
5 annual full-time equivalent students in grades kindergarten through
6 six.

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

	General education average class size
14 Grades K-3	25.23
15 Grade 4	27.00
16 Grades 5-6	27.00
17 Grades 7-8	28.53
18 Grades 9-12	28.74

19 (b) During the 2011-2013 biennium and beginning with schools with
20 the highest percentage of students eligible for free and reduced-price
21 meals in the prior school year, the general education average class
22 size for grades K-3 shall be reduced until the average class size
23 funded under this subsection (4) is no more than 17.0 full-time
24 equivalent students per teacher beginning in the 2017-18 school year.

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

	Career and technical education average class size
29 Approved career and technical education offered at 30 the middle school and high school level	26.57
31 Skill center programs meeting the standards established	

1 by the office of the superintendent of public
 2 instruction 22.76

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

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

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

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

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

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

35 Staff per 1,000

1		K-12 students
2	Technology	0.628
3	Facilities, maintenance, and grounds	1.813
4	Warehouse, laborers, and mechanics	0.332

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

10 (7) The distribution formula shall include staffing allocations to
11 school districts for career and technical education and skill center
12 administrative and other school-level certificated staff, as specified
13 in the omnibus appropriations act.

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

19		Per annual average
20		full-time equivalent student
21		in grades K-12
22	Technology	\$54.43
23	Utilities and insurance	\$147.90
24	Curriculum and textbooks	\$58.44
25	Other supplies and library materials	\$124.07
26	Instructional professional development for certified and	
27	classified staff	\$9.04
28	Facilities maintenance	\$73.27
29	Security and central office	\$50.76

30 (b) During the 2011-2013 biennium, the minimum allocation for
31 maintenance, supplies, and operating costs shall be increased as
32 specified in the omnibus appropriations act. The following
33 allocations, adjusted for inflation from the 2007-08 school year, are
34 provided in the 2015-16 school year, after which the allocations shall
35 be adjusted annually for inflation as specified in the omnibus
36 appropriations act:

37 Per annual average

1	full-time equivalent student	
2	in grades K-12	
3	Technology	\$113.80
4	Utilities and insurance	\$309.21
5	Curriculum and textbooks	\$122.17
6	Other supplies and library materials	\$259.39
7	Instructional professional development for certificated and	
8	classified staff	\$18.89
9	Facilities maintenance	\$153.18
10	Security and central office administration	\$106.12

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

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

16 (b) Laboratory science courses for students in grades nine through
17 twelve;

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

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

22 (10) In addition to the allocations otherwise provided under this
23 section, amounts shall be provided to support the following programs
24 and services:

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

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
2 resources to provide, on a statewide average, 4.7780 hours per week in
3 extra instruction with fifteen transitional bilingual instruction
4 program students per teacher for students who have not reached
5 proficiency in English as determined by the annual English proficiency
6 assessment under RCW 28A.180.090. Notwithstanding other provisions of
7 this subsection (10), the actual per-student allocation may be scaled
8 to provide a larger allocation for students needing more intensive
9 intervention and a commensurate reduced allocation for students needing
10 less intensive intervention, as detailed in the omnibus appropriations
11 act.

12 (c) To provide additional allocations to support programs for
13 highly capable students under RCW 28A.185.010 through 28A.185.030,
14 allocations shall be based on two and three hundred fourteen one-
15 thousandths percent of each school district's full-time equivalent
16 basic education enrollment. The minimum allocation for the programs
17 shall provide resources to provide, on a statewide average, 2.1590
18 hours per week in extra instruction with fifteen highly capable program
19 students per teacher.

20 (11) The allocations under subsections (4)(a) and (b), (5), (6),
21 and (8) of this section shall be enhanced as provided under RCW
22 28A.150.390 on an excess cost basis to provide supplemental
23 instructional resources for students with disabilities.

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

31 (b) Allocations or enhancements provided under subsections (4),
32 (7), and (9) of this section for exploratory and preparatory career and
33 technical education courses shall be provided only for courses approved
34 by the office of the superintendent of public instruction under chapter
35 28A.700 RCW.

36 (13)(a) This formula for distribution of basic education funds
37 shall be reviewed biennially by the superintendent and governor. The

1 recommended formula shall be subject to approval, amendment or
2 rejection by the legislature.

3 (b) In the event the legislature rejects the distribution formula
4 recommended by the governor, without adopting a new distribution
5 formula, the distribution formula for the previous school year shall
6 remain in effect.

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

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

22 NEW SECTION. **Sec. 11.** Section 9 of this act expires July 1, 2013.

23 NEW SECTION. **Sec. 12.** Section 10 of this act takes effect July 1,
24 2013.

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