
HOUSE BILL 2051

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Lytton, Hunter, Sullivan, Maxwell, and Pollet

Read first time 04/18/13. Referred to Committee on Appropriations.

1 AN ACT Relating to implementation of basic education expenditures;
2 amending RCW 28A.150.220, 28A.150.260, 28A.150.315, 28A.150.390,
3 28A.180.030, 28A.180.040, 28A.230.090, 28A.160.192, and 43.135.025;
4 adding a new section to chapter 28A.150 RCW; creating new sections; and
5 providing effective dates.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature intends to enact a plan
8 of incremental implementation to fund and carry out the reforms enacted
9 in chapter 548, Laws of 2009, chapter 236, Laws of 2010, and this act.

10 (2) The legislature confirms its intent to review and revise as
11 necessary the funding formulas that support the program of basic
12 education.

13 (3) The revised definition of the program of basic education
14 adopted in 2009 includes the expectation that students will have the
15 opportunity to complete twenty-four credits for high school graduation.
16 The revised definition of basic education also requires an increase in
17 minimum instructional hours for secondary school students, with the
18 implementation date to be determined by the legislature.

1 (4) After further review, including considering the recommendations
2 of the quality education council and the joint task force on education
3 finance, the legislature finds that increasing instructional hours for
4 secondary students is a necessary but not sufficient expansion of the
5 education program to provide all students the opportunity to complete
6 career and college ready graduation requirements.

7 (5) Therefore, the legislature intends to formally authorize, and
8 provide sufficient resources for, implementation of the opportunity for
9 students to complete twenty-four credits for graduation through a
10 comprehensive approach that includes increased instructional hours,
11 expansion of the learning assistance program and transitional bilingual
12 instructional program, and resources to support additional family
13 engagement and counseling.

14 (6) The legislature further finds that the 2015-16 school year
15 targets for increased minimum allocations for materials, supplies, and
16 operating costs established under chapter 236, laws of 2010, were based
17 on a reasonable estimate that relied on a survey of school districts of
18 their expenditures from basic education dollars in the 2007-08 school
19 year. In the course of reviewing and revising education funding
20 formulas pursuant to chapter 548, Laws of 2009, the legislature has
21 determined that more accurate expenditure information from the 2011-12
22 school year is now available. The legislature finds that this
23 expenditure data, which has been generated from all school districts
24 rather than a sample and is based on audited actual expenditures rather
25 than estimates from a survey, warrants adjustment to the 2015-16 school
26 year targets for minimum allocations for materials, supplies, and
27 operating costs.

28 (7) To ensure the state's ability to support the Article IX program
29 of basic education, the legislature intends to make a temporary
30 revision to the state expenditure limit laws during the period of
31 incremental implementation of basic education funding reforms. By
32 temporarily suspending the "rebasings" that would otherwise occur under
33 the limit calculation, the legislature will preserve the ability to
34 fund these basic education enhancements during the transition to full
35 funding of the formula.

36 **Sec. 2.** RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each
37 amended to read as follows:

1 (1) In order for students to have the opportunity to develop the
2 basic education knowledge and skills under RCW 28A.150.210, school
3 districts must provide instruction of sufficient quantity and quality
4 and give students the opportunity to complete graduation requirements
5 that are intended to prepare them for postsecondary education, gainful
6 employment, and citizenship. The program established under this
7 section shall be the minimum instructional program of basic education
8 offered by school districts.

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

11 (a) For students enrolled in grades one through twelve, at least a
12 district-wide annual average of one thousand hours, which shall be
13 increased district-wide to ~~((at least one thousand eighty instructional~~
14 ~~hours for students enrolled in each of grades seven through twelve~~
15 ~~and))~~ at least one thousand instructional hours for students in each of
16 grades one through six ~~((according to an implementation schedule~~
17 ~~adopted by the legislature, but not before))~~ beginning with the ~~((2014-~~
18 ~~15))~~ 2017-18 school year~~((+))~~, and increased district-wide for students
19 in each of grades seven through twelve according to the following
20 implementation schedule:

	<u>Minimum instructional</u>
	<u>hours for grades 7-12</u>
21 <u>2014-15 school year</u>	1,020
22 <u>2015-16 school year</u>	1,040
23 <u>2016-17 school year</u>	1,060
24 <u>2017-18 school year and thereafter</u>	1,080

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

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

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

33 (b) Instruction that provides students the opportunity to complete
34 twenty-four credits for high school graduation, ~~((subject to a phased-~~
35 ~~in implementation of the twenty four credits as established by the~~
36
37

1 legislature)) beginning with the graduating class of 2018. Course
2 distribution requirements may be established by the state board of
3 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.

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

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

1 they could otherwise have been so claimed for the purposes of RCW
2 28A.150.250 and 28A.150.260.

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

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

12 **Sec. 3.** RCW 28A.150.260 and 2011 1st sp.s. c 27 s 2 are each
13 amended to read as follows:

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

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

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

34 (3)(a) To the extent the technical details of the formula have been
35 adopted by the legislature and except when specifically provided as a
36 school district allocation, the distribution formula for the basic
37 education instructional allocation shall be based on minimum staffing

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

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

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

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

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

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

36
37
38
General education
average
class size

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

6 (b) (~~During the 2011-2013 biennium and beginning with schools with~~
7 ~~the highest percentage of students eligible for free and reduced-price~~
8 ~~meals in the prior~~) Beginning with allocations for the 2013-14 school
9 year, the general education average class size for grades K-3 shall be
10 reduced in equal annual increments from the allocation levels in (a) of
11 this subsection, and the general education average class size for
12 grades K-3 in high poverty schools where more than fifty percent of the
13 students were eligible for free and reduced-price meals in the prior
14 school year shall be reduced in equal annual increments from the 2012-
15 13 school year allocation levels, until the average class size funded
16 under this subsection (4) in all prototypical elementary schools is no
17 more than 17.0 full-time equivalent students per teacher (~~beginning~~)
18 in the 2017-18 school year and thereafter.

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

23		Career and technical
24		education average
25		class size
26	Approved career and technical education offered at	
27	the middle school and high school level	26.57
28	Skill center programs meeting the standards established	
29	by the office of the superintendent of public	
30	instruction	22.76

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

33 (i) A high-poverty average class size in schools where more than
34 fifty percent of the students are eligible for free and reduced-price
35 meals, which may be in addition to the class size specified for grades
36 K-3 under (b) of this subsection; and

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

(e) To support the increase in instructional hours required under RCW 28A.150.220(2)(a), beginning with the 2013-14 school year, the minimum allocation for each prototypical middle school and high school shall provide resources to provide an additional 0.4444 hours of instruction per week per annual average full-time equivalent student enrolled in grades seven through twelve, based on the general education average class sizes specified in (a) of this subsection, which shall be increased in equal annual increments until an additional 2.2222 hours of instruction is provided in the 2017-18 school year and thereafter.

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

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

(b) Beginning with the 2013-14 school year, the minimum allocations under this subsection (5) for family engagement coordinators in prototypical elementary schools and for guidance counselors in

1 prototypical middle schools and high schools shall each be increased in
 2 equal annual increments until allocations of 0.50 family engagement
 3 coordinators in prototypical elementary schools, 1.616 guidance
 4 counselors in prototypical middle schools, and 2.409 guidance
 5 counselors in prototypical high schools are provided in the 2017-18
 6 school year and thereafter.

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

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

14 (b) The minimum allocation of staff units for each school district
 15 to support certificated and classified staffing of central
 16 administration shall be 5.30 percent of the staff units generated under
 17 subsections (4)(a) (~~and~~), (b), and (e) and (5) of this section and
 18 (a) of this subsection.

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

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

	Per annual average full-time equivalent student in grades K-12
28 Technology	\$54.43
29 Utilities and insurance	\$147.90
30 Curriculum and textbooks	\$58.44
31 Other supplies and library materials	\$124.07
32 Instructional professional development for certified and	

1 classified staff \$9.04
 2 Facilities maintenance \$73.27
 3 Security and central office \$50.76

4 (b) During the 2011-2013 biennium, the minimum allocation for
 5 (~~maintenance~~) materials, supplies, and operating costs shall be
 6 increased as specified in the omnibus appropriations act. Beginning
 7 with the 2013-14 school year, the minimum allocation shall be increased
 8 in equal annual increments, adjusted for inflation, until the following
 9 allocations, adjusted for inflation from the (~~2007-08~~) 2011-12 school
 10 year, are provided in the 2015-16 school year, after which the
 11 allocations shall be adjusted annually for inflation as specified in
 12 the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
16 Technology	((\$113.80)) <u>\$107.73</u>
17 Utilities and insurance	((\$309.21)) <u>\$292.71</u>
18 Curriculum and textbooks	((\$122.17)) <u>\$115.66</u>
19 Other supplies and library materials	((\$259.39)) <u>\$245.55</u>
20 Instructional professional development for certificated and 21 classified staff	((\$18.89)) <u>\$17.89</u>
22 Facilities maintenance	((\$153.18)) <u>\$145.01</u>
23 Security and central office administration	((\$106.12)) <u>\$100.46</u>

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

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

29 (b) Laboratory science courses for students in grades nine through
 30 twelve;

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

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

35 (10) In addition to the allocations otherwise provided under this
 36 section, amounts shall be provided to support the following programs
 37 and services:

1 (a) To provide supplemental instruction and services for
2 underachieving students through the learning assistance program under
3 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
4 district percentage of students in grades K-12 who were eligible for
5 free or reduced-price meals in the prior school year. The minimum
6 allocation for each level of prototypical school for the program shall
7 provide (~~for each level of prototypical school~~) resources to provide,
8 on a statewide average, 1.5156 hours per week in extra instruction with
9 a class size of fifteen learning assistance program students per
10 teacher, which shall be increased beginning with the 2013-14 school
11 year in equal annual increments until an allocation of 2.0 hours per
12 week is provided in the 2017-18 school year and thereafter.

13 (b) To provide supplemental instruction and services for students
14 whose primary language is other than English, allocations shall be
15 based on the following:

16 (i) The head count number of students in each school who are
17 eligible for and enrolled in the transitional bilingual instruction
18 program under RCW 28A.180.010 through 28A.180.080. The minimum
19 allocation for each level of prototypical school shall provide
20 resources to provide, on a statewide average, 4.7780 hours per week in
21 extra instruction with fifteen transitional bilingual instruction
22 program students per teacher. (~~Notwithstanding other provisions of~~
23 this subsection (10), the actual per student allocation may be scaled
24 to provide a larger allocation for students needing more intensive
25 intervention and a commensurate reduced allocation for students needing
26 less intensive intervention, as detailed in the omnibus appropriations
27 act.)) Beginning with the 2013-14 school year, the minimum allocation
28 for students in grades seven and eight shall be increased in equal
29 annual increments until an allocation of 6.0 hours per week is provided
30 in the 2017-18 school year and thereafter. Also beginning with the
31 2013-14 school year, the minimum allocation for students in grades nine
32 through twelve shall be increased in equal annual increments until an
33 allocation of 8.0 hours per week is provided in the 2017-18 school year
34 and thereafter.

35 (ii) The head count number of students in each school who have
36 exited the transitional bilingual instruction program within the
37 previous two years based on their performance on the English
38 proficiency assessment approved by the superintendent of public

1 instruction under RCW 28A.180.090. Beginning with the 2013-14 school
2 year, the minimum allocation under this subsection (10)(b)(ii) for each
3 level of prototypical school shall provide resources to provide, on a
4 statewide average, 0.60 hours per week in extra instruction with
5 fifteen exited transitional bilingual instruction program students per
6 teacher, based on students who exited within the previous school year.
7 Beginning with the 2014-15 school year, the minimum allocation shall be
8 based on students who exited within the previous two school years and
9 shall be increased in equal annual increments until an allocation of
10 3.0 hours per week is provided in the 2017-18 school year and
11 thereafter.

12 (iii) School districts may not receive allocations under both
13 (b)(i) and (ii) of this subsection for the same student in a single
14 school year.

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

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

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

34 (b) Allocations or enhancements provided under subsections (4),
35 (7), and (9) of this section for exploratory and preparatory career and
36 technical education courses shall be provided only for courses approved
37 by the office of the superintendent of public instruction under chapter
38 28A.700 RCW.

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

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

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

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

24 **Sec. 4.** RCW 28A.150.315 and 2012 c 51 s 1 are each amended to read
25 as follows:

26 (1) Beginning with the 2007-08 school year, funding for voluntary
27 all-day kindergarten programs shall be phased-in beginning with schools
28 with the highest poverty levels, defined as those schools with the
29 highest percentages of students qualifying for free and reduced-price
30 lunch support in the prior school year. ~~((During the 2011-2013~~
31 ~~biennium, funding shall continue to be phased-in each year))~~ Beginning
32 with the 2013-14 school year, funds shall be allocated to increase the
33 proportion of full-time equivalent kindergarten students in state-
34 funded all-day kindergarten programs in equal annual increments until
35 full statewide implementation of all-day kindergarten is achieved in
36 the 2017-18 school year. Once a school receives funding for the all-
37 day kindergarten program, that school shall remain eligible for funding

1 in subsequent school years regardless of changes in the school's
2 percentage of students eligible for free and reduced-price lunches as
3 long as other program requirements are fulfilled. Additionally,
4 schools receiving all-day kindergarten program support shall agree to
5 the following conditions:

6 (a) Provide at least a one thousand-hour instructional program;

7 (b) Provide a curriculum that offers a rich, varied set of
8 experiences that assist students in:

9 (i) Developing initial skills in the academic areas of reading,
10 mathematics, and writing;

11 (ii) Developing a variety of communication skills;

12 (iii) Providing experiences in science, social studies, arts,
13 health and physical education, and a world language other than English;

14 (iv) Acquiring large and small motor skills;

15 (v) Acquiring social and emotional skills including successful
16 participation in learning activities as an individual and as part of a
17 group; and

18 (vi) Learning through hands-on experiences;

19 (c) Establish learning environments that are developmentally
20 appropriate and promote creativity;

21 (d) Demonstrate strong connections and communication with early
22 learning community providers; and

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

25 (2)(a) It is the intent of the legislature that administration of
26 the Washington kindergarten inventory of developing skills as required
27 in this subsection (2) and RCW 28A.655.080 replace administration of
28 other assessments being required by school districts or that other
29 assessments only be administered if they seek to obtain information not
30 covered by the Washington kindergarten inventory of developing skills.

31 (b) In addition to the requirements in subsection (1) of this
32 section and to the extent funds are available, beginning with the 2011-
33 12 school year on a voluntary basis, schools must identify the skills,
34 knowledge, and characteristics of kindergarten students at the
35 beginning of the school year in order to support social-emotional,
36 physical, and cognitive growth and development of individual children;
37 support early learning provider and parent involvement; and inform
38 instruction. Kindergarten teachers shall administer the Washington

1 kindergarten inventory of developing skills, as directed by the
2 superintendent of public instruction in consultation with the
3 department of early learning and in collaboration with the
4 nongovernmental private-public partnership designated in RCW
5 43.215.070, and report the results to the superintendent. The
6 superintendent shall share the results with the director of the
7 department of early learning.

8 (c) School districts shall provide an opportunity for parents and
9 guardians to excuse their children from participation in the Washington
10 kindergarten inventory of developing skills.

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

22 **Sec. 5.** RCW 28A.150.390 and 2010 c 236 s 3 are each amended to
23 read as follows:

24 (1) The superintendent of public instruction shall submit to each
25 regular session of the legislature during an odd-numbered year a
26 programmed budget request for special education programs for students
27 with disabilities. Funding for programs operated by local school
28 districts shall be on an excess cost basis from appropriations provided
29 by the legislature for special education programs for students with
30 disabilities and shall take account of state funds accruing through RCW
31 28A.150.260 (4)(a) (~~and~~), (b), and (e), (5), (6), and (8).

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

34 (a) A district's annual average headcount enrollment of students
35 ages birth through four and those five year olds not yet enrolled in
36 kindergarten who are eligible for and enrolled in special education,

1 multiplied by the district's base allocation per full-time equivalent
2 student, multiplied by 1.15; and

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

7 (3) As used in this section:

8 (a) "Base allocation" means the total state allocation to all
9 schools in the district generated by the distribution formula under RCW
10 28A.150.260 (4)(a) (~~and~~), (b), and (e), (5), (6), and (8), to be
11 divided by the district's full-time equivalent enrollment.

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

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

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

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.150
25 RCW to read as follows:

26 (1) Minimum salary allocations for state-funded classified and
27 certificated administrative staff positions allocated under RCW
28 28A.150.260 shall be calculated as provided in this section.

29 (2)(a) Beginning with the 2013-14 school year, the minimum standard
30 salary allocation for classified staff shall be increased in equal
31 biennial increments until an allocation equal to the market rate salary
32 for classified staff, adjusted by inflation from the 2010-11 school
33 year, is provided in the 2017-18 school year and thereafter.

34 (b) Beginning with the 2013-14 school year, the minimum standard
35 salary allocation for certificated administrative staff shall be
36 increased in equal biennial increments until an allocation equal to the

1 market rate salary for certificated administrative staff, adjusted by
2 inflation from the 2010-11 school year, is provided in the 2017-18
3 school year and thereafter.

4 (3) School districts whose grandfathered salary allocation exceeds
5 the standard salary allocation in any year shall receive the greater of
6 their grandfathered salary allocation or the standard salary allocation
7 as provided under this section.

8 (4) The salary allocations calculated under this section are
9 minimum allocations and do not include any salary increases provided
10 under RCW 28A.400.205. The salaries calculated under this section are
11 for allocation purposes only.

12 (5) The definitions in this subsection apply throughout this
13 section.

14 (a) "Grandfathered salary allocation" means a state salary
15 allocation rate for classified or certificated administrative staff
16 provided to a school district that exceeds the standard salary
17 allocation.

18 (b) "Inflation" means the change in the consumer price index--
19 Seattle for urban wage earners and clerical workers, all items,
20 compiled by the bureau of labor statistics, United States department of
21 labor.

22 (c) "Market rate salary for classified staff" means the 2010 state
23 average predicted salary for comparable occupations to classified
24 staff, identified through a wage analysis submitted in April 2012 to
25 the compensation technical working group convened under chapter 548,
26 laws of 2009, weighted by the distribution of school staff among the
27 occupational groupings considered in the analysis.

28 (d) "Market rate salary for certificated administrative staff"
29 means the 2010 state average prevailing salary for managerial
30 occupations comparable to school district administrators, identified
31 through a wage analysis submitted in April 2012 to the compensation
32 technical working group convened under chapter 548, laws of 2009.

33 (e) "Standard salary allocation" means the state salary allocation
34 rate for classified or certificated administrative staff provided to
35 the majority of school districts.

36 **Sec. 7.** RCW 28A.180.030 and 2001 1st sp.s. c 6 s 3 are each
37 amended to read as follows:

1 As used throughout this chapter, unless the context clearly
2 indicates otherwise:

3 (1) "Transitional bilingual instruction" means:

4 (a) A system of instruction which uses two languages, one of which
5 is English, as a means of instruction to build upon and expand language
6 skills to enable the pupil to achieve competency in English. Concepts
7 and information are introduced in the primary language and reinforced
8 in the second language: PROVIDED, That the program shall include
9 testing in the subject matter in English; or

10 (b) In those cases in which the use of two languages is not
11 practicable as established by the superintendent of public instruction
12 and unless otherwise prohibited by law, an alternative system of
13 instruction which may include English as a second language and is
14 designed to enable the pupil to achieve competency in English.

15 (2) "Primary language" means the language most often used by the
16 student for communication in his/her home.

17 (3) "Eligible pupil" means any enrollee of the school district
18 whose primary language is other than English and whose English language
19 skills are sufficiently deficient or absent to impair learning.

20 (4) "Exited pupil" means a student previously enrolled in the
21 transitional bilingual instruction program who is no longer eligible
22 for the program based on his or her performance on an English
23 proficiency assessment approved by the superintendent of public
24 instruction.

25 **Sec. 8.** RCW 28A.180.040 and 2009 c 380 s 5 are each amended to
26 read as follows:

27 (1) Every school district board of directors shall:

28 (a) Make available to each eligible pupil transitional bilingual
29 instruction to achieve competency in English, in accord with rules of
30 the superintendent of public instruction;

31 (b) Wherever feasible, ensure that communications to parents
32 emanating from the schools shall be appropriately bilingual for those
33 parents of pupils in the bilingual instruction program;

34 (c) Determine, by administration of an English test approved by the
35 superintendent of public instruction the number of eligible pupils
36 enrolled in the school district at the beginning of a school year and
37 thereafter during the year as necessary in individual cases;

1 (d) Ensure that a student who is a child of a military family in
2 transition and who has been assessed as in need of, or enrolled in, a
3 bilingual instruction program, the receiving school shall initially
4 honor placement of the student into a like program.

5 (i) The receiving school shall determine whether the district's
6 program is a like program when compared to the sending school's
7 program; and

8 (ii) The receiving school may conduct subsequent assessments
9 pursuant to RCW 28A.180.090 to determine appropriate placement and
10 continued enrollment in the program;

11 (e) Before the conclusion of each school year, measure each
12 eligible pupil's improvement in learning the English language by means
13 of a test approved by the superintendent of public instruction; ~~((and))~~

14 (f) Provide in-service training for teachers, counselors, and other
15 staff, who are involved in the district's transitional bilingual
16 program. Such training shall include appropriate instructional
17 strategies for children of culturally different backgrounds, use of
18 curriculum materials, and program models; and

19 (g) Make available a program of instructional support for up to two
20 years immediately after pupils exit from the program, for exited pupils
21 who need assistance in reaching grade-level performance in academic
22 subjects even though they have achieved English proficiency for
23 purposes of the transitional bilingual instructional program.

24 (2) The definitions in Article II of RCW 28A.705.010 apply to
25 subsection (1)(d) of this section.

26 **Sec. 9.** RCW 28A.230.090 and 2011 c 203 s 2 are each amended to
27 read as follows:

28 (1) The state board of education shall establish high school
29 graduation requirements or equivalencies for students, except as
30 provided in RCW 28A.230.122 and except those equivalencies established
31 by local high schools or school districts under RCW 28A.230.097. The
32 purpose of a high school diploma is to declare that a student is ready
33 for success in postsecondary education, gainful employment, and
34 citizenship, and is equipped with the skills to be a lifelong learner.

35 (a) Any course in Washington state history and government used to
36 fulfill high school graduation requirements shall consider including

1 information on the culture, history, and government of the American
2 Indian peoples who were the first inhabitants of the state.

3 (b) The certificate of academic achievement requirements under RCW
4 28A.655.061 or the certificate of individual achievement requirements
5 under RCW 28A.155.045 are required for graduation from a public high
6 school but are not the only requirements for graduation.

7 (c) Any decision on whether a student has met the state board's
8 high school graduation requirements for a high school and beyond plan
9 shall remain at the local level.

10 (2)(a) In recognition of the statutory authority of the state board
11 of education to establish and enforce minimum high school graduation
12 requirements, the state board shall periodically reevaluate the
13 graduation requirements and shall report such findings to the
14 legislature in a timely manner as determined by the state board.

15 (b) The state board shall reevaluate the graduation requirements
16 for students enrolled in vocationally intensive and rigorous career and
17 technical education programs, particularly those programs that lead to
18 a certificate or credential that is state or nationally recognized.
19 The purpose of the evaluation is to ensure that students enrolled in
20 these programs have sufficient opportunity to earn a certificate of
21 academic achievement, complete the program and earn the program's
22 certificate or credential, and complete other state and local
23 graduation requirements.

24 (c) The state board shall forward any proposed changes to the high
25 school graduation requirements to the education committees of the
26 legislature for review and to the quality education council established
27 under RCW 28A.290.010. The legislature shall have the opportunity to
28 act during a regular legislative session before the changes are adopted
29 through administrative rule by the state board. Changes that have a
30 fiscal impact on school districts, as identified by a fiscal analysis
31 prepared by the office of the superintendent of public instruction,
32 shall take effect only if formally authorized and funded by the
33 legislature through the omnibus appropriations act or other enacted
34 legislation.

35 (d) The state board of education shall adopt rules to implement the
36 career and college ready graduation requirement proposal adopted under
37 board resolution on November 10, 2010, to take effect beginning with
38 the graduating class of 2018. The provisions of chapter . . . , Laws of

1 2013 (this act) and the increased funding allocated under RCW
2 28A.150.260 as amended by chapter . . . , Laws of 2013 (this act)
3 constitute the funding by the legislature required under this section
4 to implement the proposal.

5 (3) Pursuant to any requirement for instruction in languages other
6 than English established by the state board of education or a local
7 school district, or both, for purposes of high school graduation,
8 students who receive instruction in American sign language or one or
9 more American Indian languages shall be considered to have satisfied
10 the state or local school district graduation requirement for
11 instruction in one or more languages other than English.

12 (4) If requested by the student and his or her family, a student
13 who has completed high school courses before attending high school
14 shall be given high school credit which shall be applied to fulfilling
15 high school graduation requirements if:

16 (a) The course was taken with high school students, if the academic
17 level of the course exceeds the requirements for seventh and eighth
18 grade classes, and the student has successfully passed by completing
19 the same course requirements and examinations as the high school
20 students enrolled in the class; or

21 (b) The academic level of the course exceeds the requirements for
22 seventh and eighth grade classes and the course would qualify for high
23 school credit, because the course is similar or equivalent to a course
24 offered at a high school in the district as determined by the school
25 district board of directors.

26 (5) Students who have taken and successfully completed high school
27 courses under the circumstances in subsection (4) of this section shall
28 not be required to take an additional competency examination or perform
29 any other additional assignment to receive credit.

30 (6) At the college or university level, five quarter or three
31 semester hours equals one high school credit.

32 **Sec. 10.** RCW 28A.160.192 and 2011 1st sp.s. c 27 s 3 are each
33 amended to read as follows:

34 (1) (~~The superintendent of public instruction shall phase in the~~
35 ~~implementation of~~) The distribution formula under this chapter for
36 allocating state funds to school districts for the transportation of

1 students to and from school(~~(. The phase in shall begin no later than~~
2 ~~the 2011-2013 biennium and be fully implemented by the 2013-2015~~
3 ~~biennium.)~~) must:

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

11 (b) (~~The formula must~~) Allocate funds to school districts based
12 on 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~~) the insurance benefit allocation
20 rate(~~s~~) provided in the omnibus appropriations 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~~)
26 expected cost as predicted by the regression analysis under subsection
27 (1)(b) of this section, or the total of allowable pupil transportation
28 expenditures identified on the previous school year's final expenditure
29 report to the state plus district indirect expenses using the federal
30 restricted indirect rate as calculated in the district annual financial
31 report;

32 (b) Annually, the amount identified in (a) of this subsection shall
33 be adjusted for any budgeted (~~increases~~) changes provided in the
34 omnibus appropriations act for salaries (~~or~~), fringe benefits, and
35 the insurance benefit allocation rate; and

36 (c) (~~Annually, any funds appropriated by the legislature in excess~~
37 ~~of the maintenance level funding amount for student transportation~~
38 ~~shall be distributed among school districts on a prorated basis using~~

1 ~~the difference between the amount identified in (a) adjusted by (b) of~~
2 ~~this subsection and the amount determined under the formula in RCW~~
3 ~~28A.160.180; and~~

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

8 **Sec. 11.** RCW 43.135.025 and 2009 c 479 s 35 are each amended to
9 read as follows:

10 (1) The state shall not expend from the general fund during any
11 fiscal year state moneys in excess of the state expenditure limit
12 established under this chapter.

13 (2) Except pursuant to a declaration of emergency under RCW
14 43.135.035 or pursuant to an appropriation under RCW 43.135.045(2), the
15 state treasurer shall not issue or redeem any check, warrant, or
16 voucher that will result in a state general fund expenditure for any
17 fiscal year in excess of the state expenditure limit established under
18 this chapter. A violation of this subsection constitutes a violation
19 of RCW 43.88.290 and shall subject the state treasurer to the penalties
20 provided in RCW 43.88.300.

21 (3) The state expenditure limit for any fiscal year shall be the
22 previous fiscal year's state expenditure limit increased by a
23 percentage rate that equals the fiscal growth factor.

24 (4) For purposes of computing the state expenditure limit for the
25 fiscal year beginning July 1, 2009, the phrase "the previous fiscal
26 year's state expenditure limit" means the total state expenditures from
27 the state general fund, the public safety and education account, the
28 health services account, the violence reduction and drug enforcement
29 account, the student achievement fund, the water quality account, and
30 the equal justice subaccount, not including federal funds, for the
31 fiscal year beginning July 1, 2008, plus the fiscal growth factor.

32 (5) A state expenditure limit committee is established for the
33 purpose of determining and adjusting the state expenditure limit as
34 provided in this chapter. The members of the state expenditure limit
35 committee are the director of financial management, the attorney
36 general or the attorney general's designee, and the chairs and ranking
37 minority members of the senate committee on ways and means and the

1 house of representatives committee on ways and means. All actions of
2 the state expenditure limit committee taken pursuant to this chapter
3 require an affirmative vote of at least four members.

4 (6) Each November, the state expenditure limit committee shall
5 adjust the expenditure limit for the preceding fiscal year based on
6 actual expenditures and known changes in the fiscal growth factor and
7 then project an expenditure limit for the next two fiscal years.
8 However, to facilitate incremental implementation of basic education
9 formula enhancements under chapter 548, Laws of 2009, chapter 236, Laws
10 of 2010, and sections 2 through 10 of this act, when calculating the
11 expenditure limit for fiscal years 2014 through and including fiscal
12 year 2018, the state expenditure limit committee must adjust the limit
13 as otherwise required by this chapter but may not rebase the limit by
14 adjusting the limit for the preceding fiscal year based on actual
15 expenditures. If, by November 30th, the state expenditure limit
16 committee has not adopted the expenditure limit adjustment and
17 projected expenditure limit as provided in subsection (5) of this
18 section, the attorney general or his or her designee shall adjust or
19 project the expenditure limit, as necessary.

20 (7) "Fiscal growth factor" means the average growth in state
21 personal income for the prior ten fiscal years.

22 (8) "General fund" means the state general fund.

23 NEW SECTION. Sec. 12. (1) The legislature finds that for too
24 long, there has been a perception that career readiness and college
25 readiness represent two separate and unequal tracks. The importance of
26 providing high quality opportunities for applied learning,
27 cross-disciplinary curriculum, and career and technical equivalence
28 often appears subsumed by an emphasis on theoretical academics. The
29 legislature intends to create a vision for the integration of career
30 education alongside academic education.

31 (2)(a) A legislative task force on career education opportunities
32 is established with the following members:

33 (i) Two members from each of the largest caucuses of the house of
34 representatives, appointed by the speaker of the house of
35 representatives;

36 (ii) Two members from each of the largest caucuses of the senate,
37 appointed by the president of the senate;

1 (iii) The superintendent of public instruction or a designee; and
2 (iv) One representative each from the workforce training and
3 education coordinating board, the student achievement council, and the
4 Washington association of career and technical education.

5 (b) The task force shall be cochaired by one house and one senate
6 member, selected by the members of the task force.

7 (3) The purpose of the task force is to identify strategies to
8 improve the integration of career education into secondary education
9 opportunities for all students. The strategies to be considered by the
10 task force include state laws and policies, graduation requirements,
11 and state funding for instructional programs and capital facilities.
12 The task force must examine the barriers, incentives and disincentives,
13 costs, and cost-effectiveness of current policies and practices.

14 (4) The office of the superintendent of public instruction shall
15 identify a recommended list of course equivalencies for career and
16 technical education courses and submit the list to the task force under
17 this section by September 1, 2013.

18 (5) A report from the task force is due December 15, 2013, to
19 include at least the following:

20 (a) An analysis of the career and college ready graduation
21 requirements proposed by the state board of education and any
22 recommendations regarding graduation requirements;

23 (b) Recommended policies that both support and provide appropriate
24 state oversight and strategic planning for career and technical
25 education offered in middle schools, comprehensive high schools, and
26 skill centers;

27 (c) Recommendations for how to maximize statewide use of the list
28 of career and technical education course equivalencies identified by
29 the office of the superintendent of public instruction; and

30 (d) Analysis of the feasibility of establishing technical high
31 schools as an alternative delivery model for integrated secondary
32 career and academic education.

33 (6) Staff support for the task force must be provided by senate
34 committee services and the house of representatives office of program
35 research, with assistance from the office of the superintendent of
36 public instruction, the student achievement council, and the workforce
37 training and education coordinating board as necessary.

1 (7) Legislative members of the task force may be reimbursed for
2 travel expenses in accordance with RCW 44.04.120. The expenses of the
3 task force must be paid jointly by the senate and the house of
4 representatives. Task force expenditures are subject to approval by
5 the senate facilities and operations committee and the house of
6 representatives executive rules committee.

7 (8) The task force expires December 31, 2013.

8 NEW SECTION. **Sec. 13.** Sections 2 through 8 of this act take
9 effect September 1, 2013.

10 NEW SECTION. **Sec. 14.** Section 10 of this act takes effect
11 September 1, 2014.

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