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HOUSE BILL 2989

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Reykdal, Walsh, and Tarleton

1 AN ACT Relating to career and technical education materials,  
2 supplies, and operating costs; amending RCW 28A.150.260 and  
3 43.88.055; reenacting and amending RCW 28A.150.260; adding a new  
4 section to chapter 28A.300 RCW; and providing effective dates.

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

6 **Sec. 1.** RCW 28A.150.260 and 2014 c 217 s 206 are each amended to  
7 read as follows:

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

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

17 (2) The distribution formula under this section shall be for  
18 allocation purposes only. Except as may be required under chapter  
19 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
20 regulations, nothing in this section requires school districts to use  
21 basic education instructional funds to implement a particular

1 instructional approach or service. Nothing in this section requires  
2 school districts to maintain a particular classroom teacher-to-  
3 student ratio or other staff-to-student ratio or to use allocated  
4 funds to pay for particular types or classifications of staff.  
5 Nothing in this section entitles an individual teacher to a  
6 particular teacher planning period.

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

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

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

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

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

39 (4)(a)(i) The minimum allocation for each level of prototypical  
40 school shall be based on the number of full-time equivalent classroom

1 teachers needed to provide instruction over the minimum required  
2 annual instructional hours under RCW 28A.150.220 and provide at least  
3 one teacher planning period per school day, and based on the  
4 following general education average class size of full-time  
5 equivalent students per teacher:

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

13 (ii) The minimum class size allocation for each prototypical high  
14 school shall also provide for enhanced funding for class size  
15 reduction for two laboratory science classes within grades nine  
16 through twelve per full-time equivalent high school student  
17 multiplied by a laboratory science course factor of 0.0833, based on  
18 the number of full-time equivalent classroom teachers needed to  
19 provide instruction over the minimum required annual instructional  
20 hours in RCW 28A.150.220, and providing at least one teacher planning  
21 period per school day:

	Laboratory science average class size
22	
23	
24 Grades 9-12. . . . .	19.98

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

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

	Career and technical education average class size
35	
36	
37	

38 Approved career and technical education offered at

1 the middle school and high school level. . . . . 26.57  
 2 Skill center programs meeting the standards established  
 3 by the office of the superintendent of public  
 4 instruction. . . . . 22.76

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

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

10 (ii) A specialty average class size for advanced placement and  
 11 international baccalaureate courses.

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

	Elementary School	Middle School	High School
17 Principals, assistant principals, and other certificated building-level 18 administrators. . . . .	1.253	1.353	1.880
19 Teacher librarians, a function that includes information literacy, technology, 20 and media to support school library media programs. . . . .	0.663	0.519	0.523
21 Health and social services:			
22 School nurses. . . . .	0.076	0.060	0.096
23 Social workers. . . . .	0.042	0.006	0.015
24 Psychologists. . . . .	0.017	0.002	0.007
25 Guidance counselors, a function that includes parent outreach and graduation 26 advising. . . . .	0.493	1.116	2.539
27 Teaching assistance, including any aspect of educational instructional services 28 provided by classified employees. . . . .	0.936	0.700	0.652
29 Office support and other noninstructional aides. . . . .	2.012	2.325	3.269
30 Custodians. . . . .	1.657	1.942	2.965
31 Classified staff providing student and staff safety. . . . .	0.079	0.092	0.141
32 Parent involvement coordinators. . . . .	0.00	0.00	0.00

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

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

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

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

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

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

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

38 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 (c) In addition to the amounts provided in (a) and (b) of this  
12 subsection, beginning in the 2014-15 school year, the omnibus  
13 appropriations act shall provide the following minimum allocation for  
14 each annual average full-time equivalent student in grades nine  
15 through twelve for the following materials, supplies, and operating  
16 costs, to be adjusted annually for inflation:

17	Per annual average	
18	full-time equivalent student	
19	in grades 9-12	
20	Technology. . . . .	\$36.35
21	Curriculum and textbooks. . . . .	\$39.02
22	Other supplies and library materials. . . . .	\$82.84
23	Instructional professional development for certificated and	
24	classified staff. . . . .	\$6.04

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

28 (a) Exploratory career and technical education courses for  
29 students in grades seven through twelve at a rate equal to or greater  
30 than 1.4 times the general education amounts provided in subsection  
31 (8)(b) of this section;

32 (b) Preparatory career and technical education courses for  
33 students in grades nine through twelve offered in a high school at a  
34 rate equal to or greater than 1.4 times the general education amounts  
35 provided in subsection (8)(b) of this section; and

36 (c) Preparatory career and technical education courses for  
37 students in grades eleven and twelve offered through a skill center  
38 at a rate equal to or greater than 1.245 times the general education  
39 amounts provided in subsection (8)(b) of this section.

1 (10) In addition to the allocations otherwise provided under this  
2 section, amounts shall be provided to support the following programs  
3 and services:

4 (a) To provide supplemental instruction and services for  
5 underachieving students through the learning assistance program under  
6 RCW 28A.165.005 through 28A.165.065, allocations shall be based on  
7 the district percentage of students in grades K-12 who were eligible  
8 for free or reduced-price meals in the prior school year. The minimum  
9 allocation for the program shall provide for each level of  
10 prototypical school resources to provide, on a statewide average,  
11 1.5156 hours per week in extra instruction with a class size of  
12 fifteen learning assistance program students per teacher.

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 head count number of students in each school who are  
16 eligible for and enrolled in the transitional bilingual instruction  
17 program under RCW 28A.180.010 through 28A.180.080. The minimum  
18 allocation for each level of prototypical school shall provide  
19 resources to provide, on a statewide average, 4.7780 hours per week  
20 in extra instruction with fifteen transitional bilingual instruction  
21 program students per teacher. Notwithstanding other provisions of  
22 this subsection (10), the actual per-student allocation may be scaled  
23 to provide a larger allocation for students needing more intensive  
24 intervention and a commensurate reduced allocation for students  
25 needing less intensive intervention, as detailed in the omnibus  
26 appropriations act.

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

35 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
36 and (8) of this section shall be enhanced as provided under RCW  
37 28A.150.390 on an excess cost basis to provide supplemental  
38 instructional resources for students with disabilities.

39 (12)(a) For the purposes of allocations for prototypical high  
40 schools and middle schools under subsections (4) and (10) of this

1 section that are based on the percent of students in the school who  
2 are eligible for free and reduced-price meals, the actual percent of  
3 such students in a school shall be adjusted by a factor identified in  
4 the omnibus appropriations act to reflect underreporting of free and  
5 reduced-price meal eligibility among middle and high school students.

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

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

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

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

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

34 **Sec. 2.** RCW 28A.150.260 and 2015 c 2 s 2 (Initiative Measure No.  
35 1351) and 2014 c 217 s 206 are each reenacted and amended to read as  
36 follows:

37 The purpose of this section is to provide for the allocation of  
38 state funding that the legislature deems necessary to support school  
39 districts in offering the minimum instructional program of basic



1 education under RCW 28A.150.220. The allocation shall be determined  
2 as follows:

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

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

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

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

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

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

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

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

	General education average class size
21 Grades K-3. . . . .	17.00
22 Grade 4. . . . .	25.00
23 Grades 5-6. . . . .	25.00
24 Grades 7-8. . . . .	25.00
25 Grades 9-12. . . . .	25.00

26 (ii) The minimum class size allocation for each prototypical high  
27 school shall also provide for enhanced funding for class size  
28 reduction for two laboratory science classes within grades nine  
29 through twelve per full-time equivalent high school student  
30 multiplied by a laboratory science course factor of 0.0833, based on  
31 the number of full-time equivalent classroom teachers needed to  
32 provide instruction over the minimum required annual instructional  
33 hours in RCW 28A.150.220, and providing at least one teacher planning  
34 period per school day:

	Laboratory science average class size
37 Grades 9-12. . . . .	19.98

(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 class size
Approved career and technical education offered at the middle school and high school level. . . . .	19.0
Skill center programs meeting the standards established by the office of the superintendent of public instruction. . . . .	16.0

(d) In addition, the omnibus appropriations act shall at a minimum specify a specialty average class size for advanced placement and international baccalaureate courses.

(e) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

	General education average class size in high poverty
Grades K-3. . . . .	15.0
Grade 4. . . . .	22.0
Grades 5-6. . . . .	23.0
Grades 7-8. . . . .	23.0
Grades 9-12. . . . .	23.0

(f)(i) Funding for average class sizes in this subsection (4) shall be provided only to the extent of, and proportionate to, the school district's demonstrated actual average class size, up to the funded class sizes.

(ii) Districts that demonstrate capital facility needs that prevent them from reducing actual class sizes to funded levels, may use funding in this subsection (4) for school-based personnel who provide direct services to students. Districts that use this funding for purposes other than reducing actual class sizes must annually report the number and dollar value for each type of personnel funded by school and grade level.

(iii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4).

(5) The minimum allocation for each level of prototypical school shall include allocations necessary for the safe and effective operation of a school, to meet individual student needs, and to ensure all required school functions can be performed by appropriately trained personnel, 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 . . . . .	1.3	1.4	1.9
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs . . . . .	1.0	1.0	1.0
Health and social services:			
School nurses . . . . .	0.585	0.888	0.824
Social workers . . . . .	0.311	0.088	0.127
Psychologists . . . . .	0.104	0.024	0.049
Guidance counselors, a function that includes parent outreach and graduation advising . . . . .	0.493	1.116	2.539
Teaching assistance, including any aspect of educational instructional services provided by classified employees . . . . .	2.0	1.0	1.0
Office support and other noninstructional aides . . . . .	3.0	3.5	3.5
Custodians . . . . .	1.7	2.0	3.0
Classified staff providing student and staff safety . . . . .	0.0	0.7	1.3
Parent involvement coordinators . . . . .	1.0	1.0	1.0

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one

1 thousand annual average full-time equivalent students in grades K-12  
2 as follows:

	Staff per 1,000 K-12 students
3 Technology. . . . .	2.8
4 Facilities, maintenance, and grounds. . . . .	4.0
5 Warehouse, laborers, and mechanics. . . . .	1.9

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

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

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

	Per annual average full-time equivalent student 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

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

1 shall be adjusted annually for inflation as specified in the omnibus  
2 appropriations act:

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

14 (c) In addition to the amounts provided in (a) and (b) of this  
15 subsection, beginning in the 2014-15 school year, the omnibus  
16 appropriations act shall provide the following minimum allocation for  
17 each annual average full-time equivalent student in grades nine  
18 through twelve for the following materials, supplies, and operating  
19 costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
20	
21	
22	
23	Technology. . . . . \$36.35
24	Curriculum and textbooks. . . . . \$39.02
25	Other supplies and library materials. . . . . \$82.84
26	Instructional professional development for certificated and
27	classified staff. . . . . \$6.04

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

31 (a) Exploratory career and technical education courses for  
32 students in grades seven through twelve at a rate equal to or greater  
33 than 1.4 times the general education amounts provided in subsection  
34 (8)(b) of this section;

35 (b) Preparatory career and technical education courses for  
36 students in grades nine through twelve offered in a high school at a  
37 rate equal to or greater than 1.4 times the general education amounts  
38 provided in subsection (8)(b) of this section; and

1 (c) Preparatory career and technical education courses for  
2 students in grades eleven and twelve offered through a skill center  
3 at a rate equal to or greater than 1.245 times the general education  
4 amounts provided in subsection (8)(b) of this section.

5 (10) In addition to the allocations otherwise provided under this  
6 section, amounts shall be provided to support the following programs  
7 and services:

8 (a) To provide supplemental instruction and services for  
9 underachieving students through the learning assistance program under  
10 RCW 28A.165.005 through 28A.165.065, allocations shall be based on  
11 the district percentage of students in grades K-12 who were eligible  
12 for free or reduced-price meals in the prior school year. The minimum  
13 allocation for the program shall provide for each level of  
14 prototypical school resources to provide, on a statewide average,  
15 1.5156 hours per week in extra instruction with a class size of  
16 fifteen learning assistance program students per teacher.

17 (b) To provide supplemental instruction and services for students  
18 whose primary language is other than English, allocations shall be  
19 based on the head count number of students in each school who are  
20 eligible for and enrolled in the transitional bilingual instruction  
21 program under RCW 28A.180.010 through 28A.180.080. The minimum  
22 allocation for each level of prototypical school shall provide  
23 resources to provide, on a statewide average, 4.7780 hours per week  
24 in extra instruction with fifteen transitional bilingual instruction  
25 program students per teacher. Notwithstanding other provisions of  
26 this subsection (10), the actual per-student allocation may be scaled  
27 to provide a larger allocation for students needing more intensive  
28 intervention and a commensurate reduced allocation for students  
29 needing less intensive intervention, as detailed in the omnibus  
30 appropriations act.

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

39 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
40 and (8) of this section shall be enhanced as provided under RCW

1 28A.150.390 on an excess cost basis to provide supplemental  
2 instructional resources for students with disabilities.

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

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

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

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

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

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

38 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300  
39 RCW to read as follows:



1 The basic education benefit account is created in the state  
2 treasury. All receipts accrued in accordance with the August 13,  
3 2015, order in the *McCleary v. State*, supreme court no. 84362-7 must  
4 be deposited in the account. Moneys in the account may be spent only  
5 after appropriation. Expenditures from the account must be used  
6 exclusively for the benefit of basic education as defined in statute.  
7 For the 2016-17 school year, the funds must be used for the  
8 materials, supplies, and operating costs of the career and technical  
9 education program in accordance with RCW 28A.150.260.

10 **Sec. 4.** RCW 43.88.055 and 2012 1st sp.s. c 8 s 1 are each  
11 amended to read as follows:

12 (1) The legislature must adopt a four-year balanced budget as  
13 follows:

14 (a) Beginning in the 2013-2015 fiscal biennium, the legislature  
15 shall enact a balanced omnibus operating appropriations bill that  
16 leaves, in total, a positive ending fund balance in the general fund  
17 and related funds.

18 (b) Beginning in the 2013-2015 fiscal biennium, the projected  
19 maintenance level of the omnibus appropriations bill enacted by the  
20 legislature shall not exceed the available fiscal resources for the  
21 next ensuing fiscal biennium.

22 (2) For purposes of this section:

23 (a) "Available fiscal resources" means the beginning general fund  
24 and related fund balances and any fiscal resources estimated for the  
25 general fund and related funds, adjusted for enacted legislation, and  
26 with forecasted revenues adjusted to the greater of (i) the official  
27 general fund and related funds revenue forecast for the ensuing  
28 biennium, or (ii) the official general fund and related funds  
29 forecast for the second fiscal year of the current fiscal biennium,  
30 increased by 4.5 percent for each fiscal year of the ensuing  
31 biennium;

32 (b) "Projected maintenance level" means estimated appropriations  
33 necessary to maintain the continuing costs of program and service  
34 levels either funded in that appropriations bill or mandated by other  
35 state or federal law, and the amount of any general fund moneys  
36 projected to be transferred to the budget stabilization account  
37 pursuant to Article VII, section 12 of the state Constitution, but  
38 does not include in the 2013-2015 and 2015-2017 fiscal biennia the  
39 costs related to the enhanced funding under the new definition of

1 basic education as established in chapter 548, Laws of 2009, and  
2 affirmed by the decision in *Mathew McCleary et al., v. The State of*  
3 *Washington*, 173 Wn.2d 477, 269 P.3d 227, (2012), from which the  
4 short-term exclusion of these obligations is solely for the purposes  
5 of calculating this estimate and does not in any way indicate an  
6 intent to avoid full funding of these obligations;

7 (c) "Related funds," as used in this section, means the  
8 Washington opportunity pathways account (~~and~~), the education legacy  
9 trust account, and the basic education benefit account.

10 (3) Subsection (1)(a) and (b) of this section does not apply to  
11 an appropriations bill that makes net reductions in general fund and  
12 related funds appropriations and is enacted between July 1st and  
13 February 15th of any fiscal year.

14 (4) Subsection (1)(b) of this section does not apply in a fiscal  
15 biennium in which money is appropriated from the budget stabilization  
16 account.

17 NEW SECTION. **Sec. 5.** Section 1 of this act takes effect  
18 September 1, 2016.

19 NEW SECTION. **Sec. 6.** Section 2 of this act takes effect  
20 September 1, 2022.

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