

---

SENATE BILL 6088

---

State of Washington

64th Legislature

2015 Regular Session

By Senator Braun

Read first time 03/31/15. Referred to Committee on Ways & Means.

1 AN ACT Relating to K-12 education enhancements; amending RCW  
2 28A.150.261; reenacting and amending RCW 28A.150.260; creating a new  
3 section; providing an effective date; and providing for submission of  
4 this act to a vote of the people.

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

6 NEW SECTION. **Sec. 1.** (1) The purpose of this act is to continue  
7 the legislature's effort to address in good faith the issues  
8 identified in *McCleary v. State*, 173 Wn.2d 477 (2012). The  
9 legislature recognizes that achieving improved student performance is  
10 not simply a function of adding more fiscal resources. Making real  
11 improvement in student outcomes is achieved by constantly reviewing,  
12 evaluating, and implementing the best and most cost-effective  
13 strategies for the delivery of K-12 public school instruction. The  
14 legislature intends to fulfill the state's obligation under Article  
15 IX of the state Constitution and to partner with school districts in  
16 serving students.

17 (2) The legislature intends to continue to make changes to the  
18 program of basic education in those areas where emerging research and  
19 evidence demonstrate that better and more efficient strategies are  
20 available to help students succeed. This act revises certain  
21 provisions of chapter 548, Laws of 2009 (Engrossed Substitute House

1 Bill No. 2261), chapter 236, Laws of 2010 (Substitute House Bill No.  
2 2776), and chapter 2, Laws of 2015 (Initiative Measure No. 1351) as a  
3 result of the best available and current information indicating the  
4 most effective and research-based practices that are also cost-  
5 beneficial education investments. It is the intent of the legislature  
6 that the additional K-12 investments between 2013 and 2018 to meet  
7 the state's funding obligations will be based on the current  
8 information of the most cost-effective K-12 investments.

9 (3) The legislature finds, as a result of evidence-based  
10 research, that the greatest improvements in student outcomes in the  
11 common schools can be achieved by focusing the investment of state  
12 fiscal resources in these areas:

13 (a) The reduction of class sizes in kindergarten through third  
14 grade;

15 (b) Increased access and support from guidance counselors;

16 (c) Additional support for parent involvement coordinators to  
17 increase family engagement;

18 (d) The reduction of class sizes in high school laboratory  
19 science classes to meet the new requirements for a more rigorous high  
20 school diploma;

21 (e) Additional support for the transitional bilingual instruction  
22 program for students learning English as a second language; and

23 (f) Remediation through the learning assistance program for  
24 struggling students to ensure that third grade students are reading  
25 at grade level.

26 **Sec. 2.** RCW 28A.150.260 and 2015 c 2 s 2 (Initiative Measure No.  
27 1351) and 2014 c 217 s 206 are each reenacted and amended to read as  
28 follows:

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

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

38 (2) The distribution formula under this section shall be for  
39 allocation purposes only. Except as required for class size reduction

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

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

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

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

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

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

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

	General education average class size
Grades K-3. . . . .	17.0
Grade 4. . . . .	<del>((25.0))</del> <u>27.00</u>
Grades 5-6. . . . .	<del>((25.0))</del> <u>27.00</u>
Grades 7-8. . . . .	<del>((25.0))</del> <u>28.53</u>
Grades 9-12. . . . .	<del>((25.0))</del> <u>28.74</u>

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

	Laboratory science average class size
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.~~

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

	Career and technical education average class size
5 6 7 8 Approved career and technical education offered at 9 the middle school and high school level. . . . .	<del>((19.0))</del> <u>26.57</u>
10 Skill center programs meeting the standards established 11 by the office of the superintendent of public 12 instruction. . . . .	<del>((16.0))</del> <u>22.76</u>

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

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

	General education average class size in high poverty
21 22 23 24 Grades K-3. . . . .	<del>((15.0))</del> <u>17.00</u>
25 Grade 4. . . . .	<del>((22.0))</del> <u>27.00</u>
26 Grades 5-6. . . . .	<del>((23.0))</del> <u>27.00</u>
27 Grades 7-8. . . . .	<del>((23.0))</del> <u>28.53</u>
28 Grades 9-12. . . . .	<del>((23.0))</del> <u>28.74</u>

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

33       (ii) ~~((Districts that demonstrate capital facility needs that  
34 prevent them from reducing actual class sizes to funded levels, may  
35 use funding in this subsection (4) for school-based personnel who  
36 provide direct services to students. Districts that use this funding  
37 for purposes other than reducing actual class sizes must annually~~

1 ~~report the number and dollar value for each type of personnel funded~~  
 2 ~~by school and grade level.~~

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

5 (5) The minimum allocation for each level of prototypical school  
 6 shall include allocations necessary for the safe and effective  
 7 operation of a school, to meet individual student needs, and to  
 8 ensure all required school functions can be performed by  
 9 appropriately trained personnel, for the following types of staff in  
 10 addition to classroom teachers:

	Elementary	Middle	High
	School	School	School
11 Principals, assistant principals, and other certificated building-level			
12 administrators. ....	<del>((1.3))</del>	<del>((1.4))</del>	<del>((1.9))</del>
13	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
14 Teacher librarians, a function that includes information literacy, technology,			
15 and media to support school library media programs. ....	<del>((1.0))</del>	<del>((1.0))</del>	<del>((1.0))</del>
16	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
17 Health and social services:			
18 School nurses. ....	<del>((0.585))</del>	<del>((0.888))</del>	<del>((0.824))</del>
19	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
20 Social workers. ....	<del>((0.311))</del>	<del>((0.088))</del>	<del>((0.127))</del>
21	<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
22 Psychologists. ....	<del>((0.104))</del>	<del>((0.024))</del>	<del>((0.049))</del>
23	<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
24 Guidance counselors, a function that includes parent outreach and graduation			
25 advising. ....	<del>((0.50))</del>	<del>((2.0))</del>	<del>((3.5))</del>
26	<u>0.493</u>	<u>1.216</u>	<u>2.539</u>
27 Teaching assistance, including any aspect of educational instructional services			
28 provided by classified employees. ....	<del>((2.0))</del>	<del>((1.0))</del>	<del>((1.0))</del>
29	<u>0.936</u>	<u>0.700</u>	<u>0.652</u>
30 Office support and other noninstructional aides. ....	<del>((3.0))</del>	<del>((3.5))</del>	<del>((3.5))</del>
31	<u>2.012</u>	<u>2.325</u>	<u>3.269</u>
32 Custodians. ....	<del>((1.7))</del>	<del>((2.0))</del>	<del>((3.0))</del>
33	<u>1.657</u>	<u>1.942</u>	<u>2.965</u>
34			
35			

1	Classified staff providing student and staff safety. ....	((0-0))	((0-7))	((1-3))
2		<u>0.079</u>	<u>0.092</u>	<u>0.141</u>
3	Parent involvement coordinators. ....	((1-0))	((1-0))	((1-0))
4		<u>0.0825</u>	<u>0.00</u>	<u>0.00</u>

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

9			Staff per 1,000
10			K-12 students
11	Technology. . . . .	((2-8))	<u>0.628</u>
12	Facilities, maintenance, and grounds. . . . .	((4-0))	<u>1.813</u>
13	Warehouse, laborers, and mechanics. . . . .	((1-9))	<u>0.332</u>

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

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

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

28		Per annual average
29		full-time equivalent student
30		in grades K-12
31	Technology. . . . .	\$54.43
32	Utilities and insurance. . . . .	\$147.90
33	Curriculum and textbooks. . . . .	\$58.44
34	Other supplies and library materials. . . . .	\$124.07
35	Instructional professional development for certified and	
36	classified staff. . . . .	\$9.04
37	Facilities maintenance. . . . .	\$73.27
38	Security and central office. . . . .	\$50.76

1 (b) During the 2011-2013 biennium, the minimum allocation for  
 2 maintenance, supplies, and operating costs shall be increased as  
 3 specified in the omnibus appropriations act. The following  
 4 allocations, adjusted for inflation from the 2007-08 school year, are  
 5 provided in the 2015-16 school year, after which the allocations  
 6 shall be adjusted annually for inflation as specified in the omnibus  
 7 appropriations act:

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

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

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

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

30 (a) Exploratory career and technical education courses for  
 31 students in grades seven through twelve;  
 32



1 (b) Preparatory career and technical education courses for  
2 students in grades nine through twelve offered in a high school; and

3 (c) Preparatory career and technical education courses for  
4 students in grades eleven and twelve offered through a skill center.

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))~~ 2.3975 hours per week in extra instruction with a class  
16 size of fifteen learning assistance program students per teacher.

17 (b)(i) To provide supplemental instruction and services for  
18 students whose primary language is other than English(~~(7)~~):

19 (A) Allocations shall be based on the head count number of  
20 students in each school who are eligible for and enrolled in the  
21 transitional bilingual instruction program under RCW 28A.180.010  
22 through 28A.180.080. The minimum allocation for each level of  
23 prototypical school shall provide resources to provide, on a  
24 statewide average, 4.7780 hours per week in extra instruction with  
25 fifteen transitional bilingual instruction program students per  
26 teacher.

27 (B) Allocations shall be provided for exited pupils, as defined  
28 in RCW 28A.180.030, for up to two years of instructional support  
29 immediately after the pupils exit the program. Instructional support  
30 includes assistance reaching grade-level performance in academic  
31 subjects even though the pupils have achieved English proficiency for  
32 purposes of the transitional bilingual instruction program. The  
33 minimum allocation for each level of prototypical school shall  
34 provide resources to provide, on a statewide average, 3.0 hours per  
35 week in extra instruction with fifteen transitional bilingual  
36 instruction program students per teacher based on the head count of  
37 students who exited the program within the prior two years based on  
38 their performance on the English proficiency assessment.

39 (ii) Notwithstanding other provisions of this subsection (10),  
40 the actual per-student allocation may be scaled to provide a larger

1 allocation for students needing more intensive intervention and a  
2 commensurate reduced allocation for students needing less intensive  
3 intervention, as detailed in the omnibus appropriations act.

4 (c) To provide additional allocations to support programs for  
5 highly capable students under RCW 28A.185.010 through 28A.185.030,  
6 allocations shall be based on (~~two and three hundred fourteen one~~  
7 ~~thousandths~~) three percent of each school district's full-time  
8 equivalent basic education enrollment. The minimum allocation for the  
9 programs shall provide resources to provide, on a statewide average,  
10 (~~2.1590~~) 3.0 hours per week in extra instruction with fifteen  
11 highly capable program students per teacher.

12 (11) The allocations under subsections (4)(a) and (~~(b)~~) (d),  
13 (5), (6), and (8) of this section shall be enhanced as provided under  
14 RCW 28A.150.390 on an excess cost basis to provide supplemental  
15 instructional resources for students with disabilities.

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

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

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

32 (b) In the event the legislature rejects the distribution formula  
33 recommended by the governor, without adopting a new distribution  
34 formula, the distribution formula for the previous school year shall  
35 remain in effect.

36 (c) The enrollment of any district shall be the annual average  
37 number of full-time equivalent students and part-time students as  
38 provided in RCW 28A.150.350, enrolled on the first school day of each  
39 month, including students who are in attendance pursuant to RCW  
40 28A.335.160 and 28A.225.250 who do not reside within the servicing

1 school district. The definition of full-time equivalent student shall  
2 be determined by rules of the superintendent of public instruction  
3 and shall be included as part of the superintendent's biennial budget  
4 request. The definition shall be based on the minimum instructional  
5 hour offerings required under RCW 28A.150.220. Any revision of the  
6 present definition shall not take effect until approved by the house  
7 ways and means committee and the senate ways and means committee.

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

11 **Sec. 3.** RCW 28A.150.261 and 2015 c 2 s 3 (Initiative Measure No.  
12 1351) are each amended to read as follows:

13 In order to make measurable progress toward implementing the  
14 provisions of section 2, chapter 2, Laws of 2015, as amended by  
15 section 2, chapter . . . , Laws of 2015 (section 2 of this act), by  
16 September 1, 2017, the legislature shall increase state funding  
17 allocations under RCW 28A.150.260 according to the following  
18 schedule:

19 (1) For the 2015-2017 biennium, funding allocations shall be no  
20 less than fifty percent of the difference between the funding  
21 necessary to support the numerical values under RCW 28A.150.260 as of  
22 September 1, 2013, and the funding necessary to support the numerical  
23 values under section 2, chapter 2, Laws of 2015, as amended by  
24 section 2, chapter . . . , Laws of 2015 (section 2 of this act), with  
25 priority for additional funding provided during this biennium for the  
26 highest poverty schools and school districts;

27 (2) By the end of the 2017-2019 biennium and thereafter, funding  
28 allocations shall be no less than the funding necessary to support  
29 the numerical values under section 2, chapter 2, Laws of 2015, as  
30 amended by section 2, chapter . . . , Laws of 2015 (section 2 of this  
31 act).

32 NEW SECTION. **Sec. 4.** Section 2 of this act takes effect  
33 September 1, 2018.

34 NEW SECTION. **Sec. 5.** The secretary of state shall submit this  
35 act to the people for their adoption and ratification, or rejection,  
36 at the next general election to be held in this state, in accordance

1 with Article II, section 1 of the state Constitution and the laws  
2 adopted to facilitate its operation.

--- END ---