
SUBSTITUTE HOUSE BILL 1511

State of Washington 65th Legislature 2017 Regular Session

By House Education (originally sponsored by Representatives Lytton, Sullivan, Dolan, and Santos)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to the learning assistance program; amending RCW
2 28A.150.260, 28A.165.005, 28A.165.015, 28A.165.035, 28A.165.055,
3 28A.150.220, 28A.710.280, and 28A.320.190; reenacting and amending
4 RCW 28A.150.260; adding new sections to chapter 28A.165 RCW; and
5 providing effective dates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	Career and technical education average
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class size

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

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

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

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

(5) 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	2.539
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 coordinators.	0.00	0.00	0.00

(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.	0.628
4 Facilities, maintenance, and grounds.	1.813
5 Warehouse, laborers, and mechanics.	0.332

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;

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

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

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)(i) To provide supplemental instruction and services for
5 (~~underachieving~~) students who are not meeting academic standards
6 through the learning assistance program under RCW 28A.165.005 through
7 28A.165.065, allocations shall be based on the district percentage of
8 students in grades K-12 who were eligible for free or reduced-price
9 meals in the prior school year. The minimum allocation for the
10 program shall provide for each level of prototypical school resources
11 to provide, on a statewide average, (~~1.5156~~) 2.4 hours per week in
12 extra instruction with a class size of fifteen learning assistance
13 program students per teacher.

14 (ii) In addition to funding allocated under (a)(i) and (iii) of
15 this subsection, to provide supplemental instruction and services for
16 students who are not meeting academic standards in schools with high
17 concentrations of students eligible for free and reduced-price meals
18 and students who are eligible pupils in the transitional bilingual
19 instruction program as defined in RCW 28A.180.030, as determined
20 under section 6 of this act. The minimum allocation for this
21 concentration allocation must provide for each level of prototypical
22 school resources to provide, on a statewide average, 2.4 hours per
23 week in extra instruction with a class size of fifteen learning
24 assistance program students per teacher.

25 (iii) In addition to funding allocated under (a)(i) and (ii) of
26 this subsection, to provide supplemental instruction and services for
27 students who are not meeting academic standards based on the
28 district's enrollment of homeless students and foster students as
29 determined under section 7 of this act. The minimum allocation for
30 this foster-homeless allocation must provide for each level of
31 prototypical school resources to provide, on a statewide average, 2.4
32 hours per week in extra instruction with a class size of fifteen
33 learning assistance program students per teacher.

34 (b) To provide supplemental instruction and services for students
35 whose primary language is other than English, allocations shall be
36 based on the head count number of students in each school who are
37 eligible for and enrolled in the transitional bilingual instruction
38 program under RCW 28A.180.010 through 28A.180.080. The minimum
39 allocation for each level of prototypical school shall provide
40 resources to provide, on a statewide average, 4.7780 hours per week

1 in extra instruction with fifteen transitional bilingual instruction
2 program students per teacher. Notwithstanding other provisions of
3 this subsection (10), the actual per-student allocation may be scaled
4 to provide a larger allocation for students needing more intensive
5 intervention and a commensurate reduced allocation for students
6 needing less intensive intervention, as detailed in the omnibus
7 appropriations act.

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

16 (11) The allocations under subsections (4)(a) and (b), (5), (6),
17 and (8) of this section shall be enhanced as provided under RCW
18 28A.150.390 on an excess cost basis to provide supplemental
19 instructional resources for students with disabilities.

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

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

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

36 (b) In the event the legislature rejects the distribution formula
37 recommended by the governor, without adopting a new distribution
38 formula, the distribution formula for the previous school year shall
39 remain in effect.

1 (c) The enrollment of any district shall be the annual average
2 number of full-time equivalent students and part-time students as
3 provided in RCW 28A.150.350, enrolled on the first school day of each
4 month, including students who are in attendance pursuant to RCW
5 28A.335.160 and 28A.225.250 who do not reside within the servicing
6 school district. The definition of full-time equivalent student shall
7 be determined by rules of the superintendent of public instruction
8 and shall be included as part of the superintendent's biennial budget
9 request. The definition shall be based on the minimum instructional
10 hour offerings required under RCW 28A.150.220. Any revision of the
11 present definition shall not take effect until approved by the house
12 ways and means committee and the senate ways and means committee.

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

16 **Sec. 2.** RCW 28A.150.260 and 2015 c 2 s 2 and 2014 c 217 s 206
17 are each reenacted and amended to read as follows:

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

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

27 (2) The distribution formula under this section shall be for
28 allocation purposes only. Except as required for class size reduction
29 funding provided under subsection (4)(f) of this section and as may
30 be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW,
31 or federal laws and regulations, nothing in this section requires
32 school districts to use basic education instructional funds to
33 implement a particular instructional approach or service. Nothing in
34 this section requires school districts to maintain a particular
35 classroom teacher-to-student ratio or other staff-to-student ratio or
36 to use allocated funds to pay for particular types or classifications
37 of staff. Nothing in this section entitles an individual teacher to a
38 particular teacher planning period.

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

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

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

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

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

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

1		General education
2		average
3		class size
4	Grades K-3.	17.00
5	Grade 4.	25.00
6	Grades 5-6.	25.00
7	Grades 7-8.	25.00
8	Grades 9-12.	25.00

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

18		Laboratory science
19		average class size
20	Grades 9-12.	19.98

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

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

31		Career and technical
32		education average
33		class size
34	Approved career and technical education offered at	
35	the middle school and high school level.	19.0
36	Skill center programs meeting the standards established	
37	by the office of the superintendent of public	
38	instruction.	16.0

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

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

	General education average class size in high poverty
9	
10	
11	
12	Grades K-3. 15.0
13	Grade 4. 22.0
14	Grades 5-6. 23.0
15	Grades 7-8. 23.0
16	Grades 9-12. 23.0

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

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

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

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

36	Elementary	Middle	High
37	School	School	School

1	Principals, assistant principals, and other certificated building-level			
2	administrators.	1.3	1.4	1.9
3	Teacher librarians, a function that includes information literacy, technology,			
4	and media to support school library media programs.	1.0	1.0	1.0
5	Health and social services:			
6	School nurses.	0.585	0.888	0.824
7	Social workers.	0.311	0.088	0.127
8	Psychologists.	0.104	0.024	0.049
9	Guidance counselors, a function that includes parent outreach and graduation			
10	advising.	0.493	1.116	2.539
11	Teaching assistance, including any aspect of educational instructional services			
12	provided by classified employees.	2.0	1.0	1.0
13	Office support and other noninstructional aides.	3.0	3.5	3.5
14	Custodians.	1.7	2.0	3.0
15	Classified staff providing student and staff safety.	0.0	0.7	1.3
16	Parent involvement coordinators.	1.0	1.0	1.0

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

21		Staff per 1,000
22		K-12 students
23	Technology.	2.8
24	Facilities, maintenance, and grounds.	4.0
25	Warehouse, laborers, and mechanics.	1.9

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

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

35 (8)(a) Except as provided in (b) and (c) of this subsection, the
36 minimum allocation for each school district shall include allocations

1 per annual average full-time equivalent student for the following
2 materials, supplies, and operating costs, to be adjusted for
3 inflation from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
4	
5	
6	
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11	
12	
13	
14	
Technology.	\$54.43
Utilities and insurance.	\$147.90
Curriculum and textbooks.	\$58.44
Other supplies and library materials.	\$124.07
Instructional professional development for certified and classified staff.	\$9.04
Facilities maintenance.	\$73.27
Security and central office.	\$50.76

15 (b) During the 2011-2013 biennium, the minimum allocation for
16 maintenance, supplies, and operating costs shall be increased as
17 specified in the omnibus appropriations act. The following
18 allocations, adjusted for inflation from the 2007-08 school year, are
19 provided in the 2015-16 school year, after which the allocations
20 shall be adjusted annually for inflation as specified in the omnibus
21 appropriations act:

	Per annual average full-time equivalent student in grades K-12
22	
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26	
27	
28	
29	
30	
31	
32	
Technology.	\$113.80
Utilities and insurance.	\$309.21
Curriculum and textbooks.	\$122.17
Other supplies and library materials.	\$259.39
Instructional professional development for certificated and classified staff.	\$18.89
Facilities maintenance.	\$153.18
Security and central office administration.	\$106.12

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

1		Per annual average
2		full-time equivalent student
3		in grades 9-12
4	Technology.	\$36.35
5	Curriculum and textbooks.	\$39.02
6	Other supplies and library materials.	\$82.84
7	Instructional professional development for certificated and	
8	classified staff.	\$6.04

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

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

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

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

18 (10) In addition to the allocations otherwise provided under this
19 section, amounts shall be provided to support the following programs
20 and services:

21 (a)(i) To provide supplemental instruction and services for
22 (~~underachieving~~) students who are not meeting academic standards
23 through the learning assistance program under RCW 28A.165.005 through
24 28A.165.065, allocations shall be based on the district percentage of
25 students in grades K-12 who were eligible for free or reduced-price
26 meals in the prior school year. The minimum allocation for the
27 program shall provide for each level of prototypical school resources
28 to provide, on a statewide average, (~~(1.5156)~~) 2.4 hours per week in
29 extra instruction with a class size of fifteen learning assistance
30 program students per teacher.

31 (ii) In addition to funding allocated under (a)(i) and (iii) of
32 this subsection, to provide supplemental instruction and services for
33 students who are not meeting academic standards in schools with high
34 concentrations of students eligible for free and reduced-price meals
35 and students who are eligible pupils in the transitional bilingual
36 instruction program as defined in RCW 28A.180.030, as determined
37 under section 6 of this act. The minimum allocation for this
38 concentration allocation must provide for each level of prototypical
39 school resources to provide, on a statewide average, 2.4 hours per

1 week in extra instruction with a class size of fifteen learning
2 assistance program students per teacher.

3 (iii) In addition to funding allocated under (a)(i) and (ii) of
4 this subsection, to provide supplemental instruction and services for
5 students who are not meeting academic standards based on the
6 district's enrollment of homeless students and foster students as
7 determined under section 7 of this act. The minimum allocation for
8 this foster-homeless allocation must provide for each level of
9 prototypical school resources to provide, on a statewide average, 2.4
10 hours per week in extra instruction with a class size of fifteen
11 learning assistance program students per teacher.

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

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

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

38 (12)(a) For the purposes of allocations for prototypical high
39 schools and middle schools under subsections (4) and (10) of this
40 section that are based on the percent of students in the school who

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

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

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

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

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

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

33 **Sec. 3.** RCW 28A.165.005 and 2013 2nd sp.s. c 18 s 201 are each
34 amended to read as follows:

35 ~~((1))~~ This chapter is designed to: ~~((a))~~ (1) Promote the use
36 of data when developing programs to assist ~~((underachieving))~~
37 students who are not meeting academic standards and reduce disruptive
38 behaviors in the classroom; and ~~((b))~~ (2) guide school districts in
39 providing the most effective and efficient practices when

1 implementing supplemental instruction and services to assist
2 (~~underachieving~~) students who are not meeting academic standards
3 and reduce disruptive behaviors in the classroom.

4 (~~((2) School districts implementing a learning assistance program~~
5 ~~shall focus first on addressing the needs of students in grades~~
6 ~~kindergarten through four who are deficient in reading or reading~~
7 ~~readiness skills to improve reading literacy.))~~

8 **Sec. 4.** RCW 28A.165.015 and 2013 2nd sp.s. c 18 s 202 are each
9 amended to read as follows:

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

12 (1) "Basic skills areas" means reading, writing, and mathematics
13 as well as readiness associated with these skills.

14 (2) "Foster students" means students who are receiving out-of-
15 home care in a foster-family home or group-care facility under
16 chapter 74.15 RCW.

17 (3) "Homeless students" means students who meet the definition of
18 homeless under section 725 of the federal McKinney-Vento homeless
19 education assistance act, 42 U.S.C. Sec. 11431 et seq., as
20 reauthorized by the every student succeeds act in December 2015.

21 (4) "Participating student" means a student in kindergarten
22 through grade twelve who scores below standard for his or her grade
23 level using multiple measures of performance, including on the
24 statewide student assessments or other assessments and performance
25 measurement tools administered by the school or district and who is
26 identified by the district to receive services.

27 (~~((3))~~) (5) "Statewide student assessments" means one or more of
28 the assessments administered by school districts as required under
29 RCW 28A.655.070.

30 (~~((4) "Underachieving students")~~) (6) "Students who are not
31 meeting academic standards" means students with the greatest academic
32 deficits in basic skills as identified by statewide, school, or
33 district assessments or other performance measurement tools.

34 **Sec. 5.** RCW 28A.165.035 and 2016 c 72 s 803 are each amended to
35 read as follows:

36 (1) While the state allocations for the learning assistance
37 program under this chapter are intended to be flexible dollars within
38 the control of the public school and school district, this local

1 control must be balanced with local accountability for improvement in
2 student achievement. Beginning in the 2018-19 school year, the
3 expenditure of funds from the learning assistance program must be
4 consistent with: The Washington integrated student supports protocol
5 established under RCW 28A.300.139, including use of needs assessments
6 to develop or identify the needed academic and nonacademic supports
7 within the school and community; integrating and coordinating
8 supports to provide students with a package of mutually reinforcing
9 supports; engaging with community partners to support students'
10 families and reduce barriers to students' academic success; and
11 tracking students' needs and outcomes over time to determine each
12 student's progress and evolving needs.

13 (2) Use of best practices that have been demonstrated through
14 research to be associated with increased student achievement
15 magnifies the opportunities for student success. To the extent they
16 are included as a best practice or strategy in one of the state menus
17 or an approved alternative under this section or RCW 28A.655.235, the
18 following are services and activities that may be supported by the
19 learning assistance program:

20 (a) Extended learning time opportunities occurring:

21 (i) Before or after the regular school day;

22 (ii) On Saturday; and

23 (iii) Beyond the regular school year;

24 (b) Services under RCW 28A.320.190;

25 (c) Professional development for certificated and classified
26 staff that focuses on:

27 (i) The needs of a diverse student population;

28 (ii) Specific literacy and mathematics content and instructional
29 strategies; and

30 (iii) The use of student work to guide effective instruction and
31 appropriate assistance;

32 (d) Consultant teachers to assist in implementing effective
33 instructional practices by teachers serving participating students;

34 (e) Tutoring support for participating students;

35 (f) Outreach activities and support for parents of participating
36 students, including employing parent and family engagement
37 coordinators; and

38 (~~(g) ((Up to five percent of a district's learning assistance~~
39 ~~program allocation may be used for))~~ Development of partnerships with
40 community-based organizations, educational service districts, and

1 other local agencies to deliver academic and nonacademic supports to
2 participating students who are significantly at risk of not being
3 successful in school to reduce barriers to learning, increase student
4 engagement, and enhance students' readiness to learn. The school
5 board must approve in an open meeting any community-based
6 organization or local agency before learning assistance funds may be
7 expended.

8 ~~((+2))~~ (3) In addition to the state menu developed under RCW
9 28A.655.235, the office of the superintendent of public instruction
10 shall convene a panel of experts, including the Washington state
11 institute for public policy, to develop additional state menus of
12 best practices and strategies for use in the learning assistance
13 program to assist struggling students at all grade levels in English
14 language arts and mathematics and reduce disruptive behaviors in the
15 classroom. The office of the superintendent of public instruction
16 shall publish the state menus by July 1, 2015, and update the state
17 menus by each July 1st thereafter.

18 ~~((+3))~~ (4)(a) Beginning in the 2016-17 school year, except as
19 provided in (b) of this subsection, school districts must use a
20 practice or strategy that is on a state menu developed under
21 subsection ~~((+2))~~ (3) of this section or RCW 28A.655.235.

22 (b) Beginning in the 2016-17 school year, school districts may
23 use a practice or strategy that is not on a state menu developed
24 under subsection ~~((+2))~~ (3) of this section for two school years
25 initially. If the district is able to demonstrate improved outcomes
26 for participating students over the previous two school years at a
27 level commensurate with the best practices and strategies on the
28 state menu, the office of the superintendent of public instruction
29 shall approve use of the alternative practice or strategy by the
30 district for one additional school year. Subsequent annual approval
31 by the superintendent of public instruction to use the alternative
32 practice or strategy is dependent on the district continuing to
33 demonstrate increased improved outcomes for participating students.

34 (c) Beginning in the 2016-17 school year, school districts may
35 enter cooperative agreements with state agencies, local governments,
36 or school districts for administrative or operational costs needed to
37 provide services in accordance with the state menus developed under
38 this section and RCW 28A.655.235.

1 (~~(4) School districts are encouraged to implement best practices~~
2 ~~and strategies from the state menus developed under this section and~~
3 ~~RCW 28A.655.235 before the use is required.~~)

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.165
5 RCW to read as follows:

6 (1)(a) To qualify for a learning assistance concentration
7 allocation under RCW 28A.150.260(10)(a)(ii), a school building must
8 have a combined percentage of students eligible for free and reduced-
9 price meals in the prior school year and students who are eligible
10 pupils in the transitional bilingual instruction program as described
11 in RCW 28A.180.030 that exceeds the state average for the prior
12 school year.

13 (b) Enrollment for a qualified school building's prior year
14 concentration allocation is determined as follows: The school
15 building's combined percentage of students eligible for free and
16 reduced-price meals and students who are eligible pupils in the
17 transitional bilingual instruction program as described in RCW
18 28A.180.030 minus the prior year statewide average combined
19 percentage of students eligible for free and reduced-price meals and
20 students who are eligible pupils as defined in RCW 28A.180.030,
21 multiplied by the prior year total enrollment of the qualified school
22 building. This enrollment must be converted by the office of the
23 superintendent of public instruction to full-time equivalent and used
24 to generate the allocation under RCW 28A.150.260(10)(a)(ii).

25 (2) A district's concentration allocation is generated by its
26 qualifying school buildings and must be expended by the district for
27 those buildings. This funding must supplement and not supplant the
28 district's expenditures under this chapter for those school
29 buildings.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.165
31 RCW to read as follows:

32 (1) To qualify for a foster-homeless student learning assistance
33 allocation under RCW 28A.150.260(10)(a)(iii), a school district must
34 provide documentation of the number of its enrolled foster students
35 and homeless students to the superintendent of public instruction.

36 (2) A school district's foster-homeless student learning
37 assistance allocation is generated by its enrollment of foster
38 students and homeless students.

1 (3) The district may expend this allocation only for foster
2 students or homeless students and only for services under this
3 chapter or for academic and nonacademic supports to foster students
4 or homeless students. This funding must supplement and not supplant
5 the district's expenditures under this chapter for those purposes.

6 **Sec. 8.** RCW 28A.165.055 and 2013 2nd sp.s. c 18 s 205 are each
7 amended to read as follows:

8 The funds for the learning assistance program shall be
9 appropriated in accordance with RCW 28A.150.260 and the omnibus
10 appropriations act. The distribution formula is for school district
11 allocation purposes only, but funds appropriated for the learning
12 assistance program must be expended for the purposes of RCW
13 28A.165.005 through 28A.165.065 and may be expended for purposes of
14 RCW 28A.655.235 (reading and literacy improvement strategy). Funding
15 appropriated for sections 6 and 7 of this act may be expended only
16 for purposes of those respective sections.

17 **Sec. 9.** RCW 28A.150.220 and 2014 c 217 s 201 are each amended to
18 read as follows:

19 (1) In order for students to have the opportunity to develop the
20 basic education knowledge and skills under RCW 28A.150.210, school
21 districts must provide instruction of sufficient quantity and quality
22 and give students the opportunity to complete graduation requirements
23 that are intended to prepare them for postsecondary education,
24 gainful employment, and citizenship. The program established under
25 this section shall be the minimum instructional program of basic
26 education offered by school districts.

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

29 (a) For students enrolled in grades one through twelve, at least
30 a district-wide annual average of one thousand hours, which shall be
31 increased beginning in the 2015-16 school year to at least one
32 thousand eighty instructional hours for students enrolled in grades
33 nine through twelve and at least one thousand instructional hours for
34 students in grades one through eight, all of which may be calculated
35 by a school district using a district-wide annual average of
36 instructional hours over grades one through twelve; and

37 (b) For students enrolled in kindergarten, at least four hundred
38 fifty instructional hours, which shall be increased to at least one

1 thousand instructional hours according to the implementation schedule
2 under RCW 28A.150.315.

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

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

7 (b) Instruction that provides students the opportunity to
8 complete twenty-four credits for high school graduation, beginning
9 with the graduating class of 2019 or as otherwise provided in RCW
10 28A.230.090. Course distribution requirements may be established by
11 the state board of education under RCW 28A.230.090;

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

16 (d) Supplemental instruction and services for (~~underachieving~~)
17 students who are not meeting academic standards through the learning
18 assistance program under RCW 28A.165.005 through 28A.165.065;

19 (e) Supplemental instruction and services for eligible and
20 enrolled students and exited students whose primary language is other
21 than English through the transitional bilingual instruction program
22 under RCW 28A.180.010 through 28A.180.080;

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

26 (g) Programs for highly capable students under RCW 28A.185.010
27 through 28A.185.030.

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

31 (5)(a) Each school district's kindergarten through twelfth grade
32 basic educational program shall be accessible to all students who are
33 five years of age, as provided by RCW 28A.225.160, and less than
34 twenty-one years of age and shall consist of a minimum of one hundred
35 eighty school days per school year in such grades as are conducted by
36 a school district, and one hundred eighty half-days of instruction,
37 or equivalent, in kindergarten, to be increased to a minimum of one
38 hundred eighty school days per school year according to the
39 implementation schedule under RCW 28A.150.315.

1 (b) Schools administering the Washington kindergarten inventory
2 of developing skills may use up to three school days at the beginning
3 of the school year to meet with parents and families as required in
4 the parent involvement component of the inventory.

5 (c) In the case of students who are graduating from high school,
6 a school district may schedule the last five school days of the one
7 hundred eighty day school year for noninstructional purposes
8 including, but not limited to, the observance of graduation and early
9 release from school upon the request of a student. All such students
10 may be claimed as a full-time equivalent student to the extent they
11 could otherwise have been so claimed for the purposes of RCW
12 28A.150.250 and 28A.150.260. Any hours scheduled by a school district
13 for noninstructional purposes during the last five school days for
14 such students shall count toward the instructional hours requirement
15 in subsection (2)(a) of this section.

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

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

26 **Sec. 10.** RCW 28A.710.280 and 2016 c 241 s 128 are each amended
27 to read as follows:

28 (1) The legislature intends that state funding for charter
29 schools be distributed equitably with state funding provided for
30 other public schools.

31 (2) For eligible students enrolled in a charter school
32 established and operating in accordance with this chapter, the
33 superintendent of public instruction shall transmit to each charter
34 school an amount calculated as provided in this section and based on
35 the statewide average staff mix factor for certificated instructional
36 staff, including any enrichment to those statutory formulae that is
37 specified in the omnibus appropriations act. The amount must be the
38 sum of (a) and (b) of this subsection, as applicable.

1 (a) The superintendent shall, for purposes of making
2 distributions under this section, separately calculate and distribute
3 to charter schools moneys appropriated for general apportionment
4 under the same ratios as in RCW 28A.150.260.

5 (b) The superintendent also shall, for purposes of making
6 distributions under this section, and in accordance with the
7 applicable formulae for categorical programs specified in (b)(i)
8 through (v) of this subsection (2) and any enrichment to those
9 statutory formulae that is specified in the omnibus appropriations
10 act, separately calculate and distribute moneys appropriated by the
11 legislature to charter schools for:

12 (i) Supplemental instruction and services for (~~underachieving~~)
13 students who are not meeting academic standards through the learning
14 assistance program under RCW 28A.165.005 through 28A.165.065;

15 (ii) Supplemental instruction and services for eligible and
16 enrolled students and exited students whose primary language is other
17 than English through the transitional bilingual instruction program
18 under RCW 28A.180.010 through 28A.180.080;

19 (iii) The opportunity for an appropriate education at public
20 expense as defined by RCW 28A.155.020 for all eligible students with
21 disabilities as defined in RCW 28A.155.020;

22 (iv) Programs for highly capable students under RCW 28A.185.010
23 through 28A.185.030; and

24 (v) Pupil transportation services to and from school in
25 accordance with RCW 28A.160.150 through 28A.160.180. Distributions
26 for pupil transportation must be calculated on a per eligible student
27 basis based on the allocation for the previous school year to the
28 school district in which the charter school is located.

29 (3) The superintendent of public instruction must adopt rules
30 necessary for the distribution of funding required by this section
31 and to comply with federal reporting requirements.

32 **Sec. 11.** RCW 28A.320.190 and 2009 c 578 s 2 are each amended to
33 read as follows:

34 (1) The extended learning opportunities program is created for
35 eligible (~~eleventh and~~) ninth through twelfth grade students who
36 are not on track to meet local or state graduation requirements as
37 well as eighth grade students who need additional assistance in order
38 to have the opportunity for a successful entry into high school. The
39 program shall provide early notification of graduation status and

1 information on education opportunities including preapprenticeship
2 programs that are available.

3 (2) Under the extended learning opportunities program and to the
4 extent funds are available for that purpose, districts shall make
5 available to students in grade twelve who have failed to meet one or
6 more local or state graduation requirements the option of continuing
7 enrollment in the school district in accordance with RCW 28A.225.160.
8 Districts are authorized to use basic education program funding to
9 provide instruction to eligible students under RCW 28A.150.220(~~(+3)~~)
10 (5).

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

- 19 (a) Individual or small group instruction;
- 20 (b) Instruction in English language arts and/or mathematics that
21 eligible students need to pass all or part of the (~~Washington~~)
22 statewide student assessment (~~(of student learning)~~);
- 23 (c) Attendance in a public high school or public alternative
24 school classes or at a skill center;
- 25 (d) Inclusion in remediation programs, including summer school;
- 26 (e) Language development instruction for English language
27 learners;
- 28 (f) Online curriculum and instructional support, including
29 programs for credit retrieval and (~~Washington~~) statewide student
30 assessment (~~(of student learning)~~) preparatory classes; and
- 31 (g) Reading improvement specialists available at the educational
32 service districts to serve eighth(~~, eleventh, and~~) through twelfth
33 grade educators through professional development in accordance with
34 RCW 28A.415.350. The reading improvement specialist may also provide
35 direct services to eligible students and those students electing to
36 continue a fifth year in a high school program who are still
37 struggling with basic reading skills.

38 NEW SECTION. **Sec. 12.** Section 1 of this act takes effect
39 September 1, 2017.

1 NEW SECTION. **Sec. 13.** Section 2 of this act takes effect
2 September 1, 2022.

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