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HOUSE BILL 1511

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State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Lytton, Sullivan, Dolan, and Santos

Read first time 01/23/17. Referred to Committee on Education.

1            AN ACT Relating to the learning assistance program; amending RCW  
2 28A.150.260, 28A.165.005, 28A.165.015, and 28A.165.055; reenacting  
3 and amending RCW 28A.150.260; adding new sections to chapter 28A.165  
4 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 Grades K-3. . . . .	25.23
7 Grade 4. . . . .	27.00
8 Grades 5-6. . . . .	27.00
9 Grades 7-8. . . . .	28.53
10 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 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 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;
- 30 (b) Preparatory career and technical education courses for
- 31 students in grades nine through twelve offered in a high school; and
- 32 (c) Preparatory career and technical education courses for
- 33 students in grades eleven and twelve offered through a skill center.

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

- 37 (a)(i) To provide supplemental instruction and services for
- 38 underachieving students through the learning assistance program under
- 39 RCW 28A.165.005 through 28A.165.065, allocations shall be based on

1 the district percentage of students in grades K-12 who were eligible  
2 for free or reduced-price meals in the prior school year. The minimum  
3 allocation for the program shall provide for each level of  
4 prototypical school resources to provide, on a statewide average,  
5 ((1.5156)) 2.4 hours per week in extra instruction with a class size  
6 of fifteen learning assistance program students per teacher.

7 (ii) Additional funding is allocated to provide supplemental  
8 instruction and services for underachieving students in schools with  
9 high concentrations of students eligible for free or reduced-price  
10 meals and students who are eligible pupils in the transitional  
11 bilingual instruction program as defined in RCW 28A.180.030, as  
12 determined under section 5 of this act. The minimum allocation for  
13 this concentration allocation must provide for each level of  
14 prototypical school resources to provide, on a statewide average, 2.4  
15 hours per week in extra instruction with a class size of fifteen  
16 learning assistance program students per teacher.

17 (iii) Additional funding is allocated to provide supplemental  
18 instruction and services for underachieving students based on the  
19 district's enrollment of homeless students and foster students as  
20 determined under section 6 of this act. The minimum allocation for  
21 this homeless-foster allocation must provide for each level of  
22 prototypical school resources to provide, on a statewide average, 2.4  
23 hours per week in extra instruction with a class size of fifteen  
24 learning assistance program students per teacher.

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

39 (c) To provide additional allocations to support programs for  
40 highly capable students under RCW 28A.185.010 through 28A.185.030,

1 allocations shall be based on two and three hundred fourteen one-  
2 thousandths percent of each school district's full-time equivalent  
3 basic education enrollment. The minimum allocation for the programs  
4 shall provide resources to provide, on a statewide average, 2.1590  
5 hours per week in extra instruction with fifteen highly capable  
6 program students per teacher.

7 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
8 and (8) of this section shall be enhanced as provided under RCW  
9 28A.150.390 on an excess cost basis to provide supplemental  
10 instructional resources for students with disabilities.

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

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

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

27 (b) In the event the legislature rejects the distribution formula  
28 recommended by the governor, without adopting a new distribution  
29 formula, the distribution formula for the previous school year shall  
30 remain in effect.

31 (c) The enrollment of any district shall be the annual average  
32 number of full-time equivalent students and part-time students as  
33 provided in RCW 28A.150.350, enrolled on the first school day of each  
34 month, including students who are in attendance pursuant to RCW  
35 28A.335.160 and 28A.225.250 who do not reside within the servicing  
36 school district. The definition of full-time equivalent student shall  
37 be determined by rules of the superintendent of public instruction  
38 and shall be included as part of the superintendent's biennial budget  
39 request. The definition shall be based on the minimum instructional  
40 hour offerings required under RCW 28A.150.220. Any revision of the



1 present definition shall not take effect until approved by the house  
2 ways and means committee and the senate ways and means committee.

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

6 **Sec. 2.** RCW 28A.150.260 and 2015 c 2 s 2 and 2014 c 217 s 206  
7 are each reenacted and amended to 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 required for class size reduction  
19 funding provided under subsection (4)(f) of this section and as may  
20 be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW,  
21 or federal laws and regulations, nothing in this section requires  
22 school districts to use basic education instructional funds to  
23 implement a particular instructional approach or service. Nothing in  
24 this section requires school districts to maintain a particular  
25 classroom teacher-to-student ratio or other staff-to-student ratio or  
26 to use allocated funds to pay for particular types or classifications  
27 of staff. Nothing in this section entitles an individual teacher to a  
28 particular teacher planning period.

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

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

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

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

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

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

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

	General education average class size
29	
30	
31	
32	Grades K-3. . . . . 17.00
33	Grade 4. . . . . 25.00
34	Grades 5-6. . . . . 25.00
35	Grades 7-8. . . . . 25.00
36	Grades 9-12. . . . . 25.00

37 (ii) The minimum class size allocation for each prototypical high  
38 school shall also provide for enhanced funding for class size  
39 reduction for two laboratory science classes within grades nine

1 through twelve per full-time equivalent high school student  
2 multiplied by a laboratory science course factor of 0.0833, based on  
3 the number of full-time equivalent classroom teachers needed to  
4 provide instruction over the minimum required annual instructional  
5 hours in RCW 28A.150.220, and providing at least one teacher planning  
6 period per school day:

7	Laboratory science	
8	average class size	
9	Grades 9-12. . . . .	19.98

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

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

20	Career and technical	
21	education average	
22	class size	
23	Approved career and technical education offered at	
24	the middle school and high school level. . . . .	19.0
25	Skill center programs meeting the standards established	
26	by the office of the superintendent of public	
27	instruction. . . . .	16.0

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

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

36	General education average	
37	class size in	
38	high poverty	

1	Grades K-3. . . . .	15.0
2	Grade 4. . . . .	22.0
3	Grades 5-6. . . . .	23.0
4	Grades 7-8. . . . .	23.0
5	Grades 9-12. . . . .	23.0

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

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

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

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

	Elementary	Middle	High
	School	School	School
25 Principals, assistant principals, and other certificated building-level			
26 administrators. . . . .	1.3	1.4	1.9
27 Teacher librarians, a function that includes information literacy, technology,			
28 and media to support school library media programs. . . . .	1.0	1.0	1.0
29 Health and social services:			
30 School nurses. . . . .	0.585	0.888	0.824
31 Social workers. . . . .	0.311	0.088	0.127
32 Psychologists. . . . .	0.104	0.024	0.049
33 Guidance counselors, a function that includes parent outreach and graduation			
34 advising. . . . .	0.493	1.116	2.539

1	Teaching assistance, including any aspect of educational instructional services			
2	provided by classified employees.....	2.0	1.0	1.0
3	Office support and other noninstructional aides.....	3.0	3.5	3.5
4	Custodians.....	1.7	2.0	3.0
5	Classified staff providing student and staff safety.....	0.0	0.7	1.3
6	Parent involvement coordinators.....	1.0	1.0	1.0

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

11			Staff per 1,000
12			K-12 students
13	Technology. . . . .		2.8
14	Facilities, maintenance, and grounds. . . . .		4.0
15	Warehouse, laborers, and mechanics. . . . .		1.9

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

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

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

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

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

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

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

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

28		Per annual average
29		full-time equivalent student
30		in grades 9-12
31	Technology. . . . .	\$36.35
32	Curriculum and textbooks. . . . .	\$39.02
33	Other supplies and library materials. . . . .	\$82.84
34	Instructional professional development for certificated and	
35	classified staff. . . . .	\$6.04

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

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

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

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

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

10 (a)(i) To provide supplemental instruction and services for  
11 underachieving students through the learning assistance program under  
12 RCW 28A.165.005 through 28A.165.065, allocations shall be based on  
13 the district percentage of students in grades K-12 who were eligible  
14 for free or reduced-price meals in the prior school year. The minimum  
15 allocation for the program shall provide for each level of  
16 prototypical school resources to provide, on a statewide average,  
17 ((1.5156)) 2.4 hours per week in extra instruction with a class size  
18 of fifteen learning assistance program students per teacher.

19 (ii) Additional funding is allocated to provide supplemental  
20 instruction and services for underachieving students in schools with  
21 high concentrations of students eligible for free or reduced-price  
22 meals and students who are eligible pupils in the transitional  
23 bilingual instruction program as defined in RCW 28A.180.030, as  
24 determined under section 5 of this act. The minimum allocation for  
25 this concentration allocation must provide for each level of  
26 prototypical school resources to provide, on a statewide average, 2.4  
27 hours per week in extra instruction with a class size of fifteen  
28 learning assistance program students per teacher.

29 (iii) Additional funding is allocated to provide supplemental  
30 instruction and services for underachieving students based on the  
31 district's enrollment of homeless students and foster students as  
32 determined under section 6 of this act. The minimum allocation for  
33 this homeless-foster allocation must provide for each level of  
34 prototypical school resources to provide, on a statewide average, 2.4  
35 hours per week in extra instruction with a class size of fifteen  
36 learning assistance program students per teacher.

37 (b) To provide supplemental instruction and services for students  
38 whose primary language is other than English, allocations shall be  
39 based on the head count number of students in each school who are  
40 eligible for and enrolled in the transitional bilingual instruction

1 program under RCW 28A.180.010 through 28A.180.080. The minimum  
2 allocation for each level of prototypical school shall provide  
3 resources to provide, on a statewide average, 4.7780 hours per week  
4 in extra instruction with fifteen transitional bilingual instruction  
5 program students per teacher. Notwithstanding other provisions of  
6 this subsection (10), the actual per-student allocation may be scaled  
7 to provide a larger allocation for students needing more intensive  
8 intervention and a commensurate reduced allocation for students  
9 needing less intensive intervention, as detailed in the omnibus  
10 appropriations act.

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

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

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

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

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

39 (b) In the event the legislature rejects the distribution formula  
40 recommended by the governor, without adopting a new distribution



1 formula, the distribution formula for the previous school year shall  
2 remain in effect.

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

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

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

20 ~~((1))~~ This chapter is designed to: ~~((a))~~ (1) Promote the use  
21 of data when developing programs to assist underachieving students  
22 and reduce disruptive behaviors in the classroom; and ~~((b))~~ (2)  
23 guide school districts in providing the most effective and efficient  
24 practices when implementing supplemental instruction and services to  
25 assist underachieving students and reduce disruptive behaviors in the  
26 classroom.

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

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

33 Unless the context clearly indicates otherwise the definitions in  
34 this section apply throughout this chapter.

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

37 (2) "Foster students" means students who are dependent under  
38 chapter 13.34 RCW.

1       (3) "Homeless students" means students who lack a fixed, regular,  
2 and adequate nighttime residence.

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

9       ~~((3))~~ (5) "Statewide student assessments" means one or more of  
10 the assessments administered by school districts as required under  
11 RCW 28A.655.070.

12       ~~((4))~~ (6) "Underachieving students" means students with the  
13 greatest academic deficits in basic skills as identified by  
14 statewide, school, or district assessments or other performance  
15 measurement tools.

16       NEW SECTION. Sec. 5. A new section is added to chapter 28A.165  
17 RCW to read as follows:

18       (1) To qualify for a learning assistance concentration allocation  
19 under RCW 28A.150.260(10)(a)(ii), a school building must have a  
20 combined percentage of students qualified for free and reduced-price  
21 meals in the prior school year and students who are eligible pupils  
22 in the transitional bilingual instruction program under RCW  
23 28A.180.030 exceeds the state average.

24       (2) Enrollment for a qualified school building's concentration  
25 allocation is determined as follows: The school building's combined  
26 percentage of students qualified for free or reduced-price meals and  
27 students who are eligible pupils under RCW 28A.180.030 minus the  
28 statewide average combined percentage of students qualified for free  
29 or reduced-price meals and students who are eligible pupils under RCW  
30 28A.180.030, multiplied by the total enrollment of the qualified  
31 school building. This enrollment must be used to generate the  
32 allocation under RCW 28A.150.260(10)(a)(ii).

33       (3) A district's concentration allocation is generated by its  
34 qualifying school buildings and must be expended by the district for  
35 those buildings. This funding must supplement and not supplant the  
36 district's expenditures under this chapter for those school  
37 buildings.

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

3        (1) To receive a foster-homeless student learning assistance  
4    allocation under RCW 28A.150.260(10)(a)(iii), a district must provide  
5    documentation of its number of enrolled foster or homeless students  
6    to the superintendent of public instruction.

7        (2) A district's foster-homeless student learning assistance  
8    allocation is generated by its enrollment of foster or homeless  
9    students and must be expended by the district for those students for  
10   services under this section or for related services to foster or  
11   homeless students. This funding must supplement and not supplant the  
12   district's expenditures under this chapter for those purposes.

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

15        The funds for the learning assistance program shall be  
16    appropriated in accordance with RCW 28A.150.260 and the omnibus  
17    appropriations act. The distribution formula is for school district  
18    allocation purposes only, but funds appropriated for the learning  
19    assistance program must be expended for the purposes of RCW  
20    28A.165.005 through 28A.165.065 and may be expended for purposes of  
21    RCW 28A.655.235 (reading and literacy improvement strategy). Funding  
22    appropriated for sections 5 and 6 of this act may be expended only  
23    for purposes of those respective sections.

24        NEW SECTION.    **Sec. 8.**    Section 1 of this act takes effect  
25    September 1, 2017.

26        NEW SECTION.    **Sec. 9.**    Section 2 of this act takes effect  
27    September 1, 2022.

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