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HOUSE BILL 2763

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Jenkin, Santos, Harris, Hargrove, Griffey, Kilduff, McDonald, Johnson, Steele, Nealey, Kloba, Stonier, Muri, Senn, Gregerson, Pollet, and Slatter

Read first time 01/15/18. Referred to Committee on Appropriations.

1 AN ACT Relating to the additional poverty-based learning  
2 assistance program allocation; and amending RCW 28A.150.260 and  
3 28A.165.055.

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

5 **Sec. 1.** RCW 28A.150.260 and 2017 3rd sp.s. c 13 s 402 are each  
6 amended to read as follows:

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

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

16 (2)(a) The distribution formula under this section shall be for  
17 allocation purposes only. Except as may be required under subsections  
18 (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165,  
19 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in  
20 this section requires school districts to use basic education  
21 instructional funds to implement a particular instructional approach

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

7 (b) To promote transparency in state funding allocations, the  
8 superintendent of public instruction must report state per-pupil  
9 allocations for each school district for the general apportionment,  
10 special education, learning assistance, transitional bilingual,  
11 highly capable, and career and technical education programs. The  
12 superintendent must also report state general apportionment per-pupil  
13 allocations by grade for each school district. The superintendent  
14 must report this information in a user-friendly format on the main  
15 page of the office's web site and on school district apportionment  
16 reports. School districts must include a link to the superintendent's  
17 per-pupil allocations report on the main page of the school  
18 district's web site. In addition, the budget documents published by  
19 the legislature for the enacted omnibus operating appropriations act  
20 must report statewide average per-pupil allocations for general  
21 apportionment and the categorical programs listed in this subsection.

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

1 allocations shall be further adjusted from the school prototypes with  
2 minimum allocations for small schools and to reflect other factors  
3 identified in the omnibus appropriations act.

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

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

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

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

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

	General education average class size
21 Grades K-3. . . . .	17.00
22 Grade 4. . . . .	27.00
23 Grades 5-6. . . . .	27.00
24 Grades 7-8. . . . .	28.53
25 Grades 9-12. . . . .	28.74

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

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

1 (b)(i) Beginning September 1, 2018, funding for average K-3 class  
 2 sizes in this subsection (4) may be provided only to the extent of,  
 3 and proportionate to, the school district's demonstrated actual class  
 4 size in grades K-3, up to the funded class sizes.

5 (ii) The office of the superintendent of public instruction shall  
 6 develop rules to implement this subsection (4)(b).

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

	Career and technical education average class size
14 Approved career and technical education offered at 15 the middle school and high school level. . . . .	23.00
16 Skill center programs meeting the standards established 17 by the office of the superintendent of public 18 instruction. . . . .	20.00

19 (ii) Funding allocated under this subsection (4)(c) is subject to  
 20 RCW 28A.150.265.

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

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

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

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

	Elementary School	Middle School	High School
33 Principals, assistant principals, and other certificated building-level 34 administrators. . . . .	1.253	1.353	1.880
35 Teacher-librarians, a function that includes information literacy, technology, 36 and media to support school library media programs. . . . .	0.663	0.519	0.523
37 Health and social services:			

1	School nurses.....	0.076	0.060	0.096
2	Social workers.....	0.042	0.006	0.015
3	Psychologists.....	0.017	0.002	0.007
4	Guidance counselors, a function that includes parent outreach and graduation			
5	advising.....	0.493	1.216	2.539
6	Teaching assistance, including any aspect of educational instructional services			
7	provided by classified employees.....	0.936	0.700	0.652
8	Office support and other noninstructional aides.....	2.012	2.325	3.269
9	Custodians.....	1.657	1.942	2.965
10	Classified staff providing student and staff safety.....	0.079	0.092	0.141
11	Parent involvement coordinators.....	0.0825	0.00	0.00

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

16			Staff per 1,000	
17			K-12 students	
18	Technology. . . . .			0.628
19	Facilities, maintenance, and grounds. . . . .			1.813
20	Warehouse, laborers, and mechanics. . . . .			0.332

21 (b) The minimum allocation of staff units for each school  
22 district to support certificated and classified staffing of central  
23 administration shall be 5.30 percent of the staff units generated  
24 under subsections (4)(a) and (5) of this section and (a) of this  
25 subsection.

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

30 (8)(a) Except as provided in (b) of this subsection, the minimum  
31 allocation for each school district shall include allocations per  
32 annual average full-time equivalent student for the following  
33 materials, supplies, and operating costs as provided in the 2017-18  
34 school year, after which the allocations shall be adjusted annually  
35 for inflation as specified in the omnibus appropriations act:

36 Per annual average

1	full-time equivalent student	
2	in grades K-12	
3	Technology. . . . .	\$130.76
4	Utilities and insurance. . . . .	\$355.30
5	Curriculum and textbooks. . . . .	\$140.39
6	Other supplies and library materials. . . . .	\$298.05
7	Instructional professional development for certificated and	
8	classified staff. . . . .	\$21.71
9	Facilities maintenance. . . . .	\$176.01
10	Security and central office administration. . . . .	\$121.94

11 (b) In addition to the amounts provided in (a) 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 and subject to RCW 28A.150.265, the omnibus appropriations  
27 act shall provide an amount based on full-time equivalent student  
28 enrollment in each of the following:

- 29 (a) Exploratory career and technical education courses for
- 30 students in grades seven through twelve;
- 31 (b) Preparatory career and technical education courses for
- 32 students in grades nine through twelve offered in a high school; and
- 33 (c) Preparatory career and technical education courses for
- 34 students in grades eleven and twelve offered through a skill center.

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

- 38 (a)(i) To provide supplemental instruction and services for
- 39 students who are not meeting academic standards through the learning

1 assistance program under RCW 28A.165.005 through 28A.165.065,  
2 allocations shall be based on the district percentage of students in  
3 grades K-12 who were eligible for free or reduced-price meals in the  
4 prior school year. The minimum allocation for the program shall  
5 provide for each level of prototypical school resources to provide,  
6 on a statewide average, 2.3975 hours per week in extra instruction  
7 with a class size of fifteen learning assistance program students per  
8 teacher.

9 (ii) In addition to funding allocated under (a)(i) of this  
10 subsection, to provide supplemental instruction and services for  
11 students who are not meeting academic standards (~~in schools where at~~  
12 ~~least fifty percent of students are~~), each school shall receive an  
13 allocation based on a four-year rolling average of the per-pupil  
14 amount received by the school for all students in the school who were  
15 eligible for free and reduced-price meals in the prior four years.  
16 The minimum allocation for this additional ((high)) poverty-based  
17 allocation must provide for each level of prototypical school  
18 resources to provide, on a statewide average, 1.1 hours per week in  
19 extra instruction with a class size of fifteen learning assistance  
20 program students per teacher((7)). Under RCW 28A.165.055, school  
21 districts must distribute the ((high)) additional poverty-based  
22 allocation to the schools that generated the funding allocation.

23 (b)(i) To provide supplemental instruction and services for  
24 students whose primary language is other than English, allocations  
25 shall be based on the head count number of students in each school  
26 who are eligible for and enrolled in the transitional bilingual  
27 instruction program under RCW 28A.180.010 through 28A.180.080. The  
28 minimum allocation for each level of prototypical school shall  
29 provide resources to provide, on a statewide average, 4.7780 hours  
30 per week in extra instruction for students in grades kindergarten  
31 through six and 6.7780 hours per week in extra instruction for  
32 students in grades seven through twelve, with fifteen transitional  
33 bilingual instruction program students per teacher. Notwithstanding  
34 other provisions of this subsection (10), the actual per-student  
35 allocation may be scaled to provide a larger allocation for students  
36 needing more intensive intervention and a commensurate reduced  
37 allocation for students needing less intensive intervention, as  
38 detailed in the omnibus appropriations act.

39 (ii) To provide supplemental instruction and services for  
40 students who have exited the transitional bilingual program,

1 allocations shall be based on the head count number of students in  
2 each school who have exited the transitional bilingual program within  
3 the previous two years based on their performance on the English  
4 proficiency assessment and are eligible for and enrolled in the  
5 transitional bilingual instruction program under RCW  
6 28A.180.040(1)(g). The minimum allocation for each prototypical  
7 school shall provide resources to provide, on a statewide average,  
8 3.0 hours per week in extra instruction with fifteen exited students  
9 per teacher.

10 (c) To provide additional allocations to support programs for  
11 highly capable students under RCW 28A.185.010 through 28A.185.030,  
12 allocations shall be based on 5.0 percent of each school district's  
13 full-time equivalent basic education enrollment. The minimum  
14 allocation for the programs shall provide resources to provide, on a  
15 statewide average, 2.1590 hours per week in extra instruction with  
16 fifteen highly capable program students per teacher.

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

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

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

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

37 (b) In the event the legislature rejects the distribution formula  
38 recommended by the governor, without adopting a new distribution  
39 formula, the distribution formula for the previous school year shall  
40 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.165.055 and 2017 3rd sp.s. c 13 s 405 are each  
17 amended to read as follows:

18 (1) The funds for the learning assistance program shall be  
19 appropriated in accordance with RCW 28A.150.260 and the omnibus  
20 appropriations act. The distribution formula is for school district  
21 allocation purposes only, except as provided in RCW  
22 28A.150.260(10)(a)(ii), but all funds appropriated for the learning  
23 assistance program must be expended for the purposes of RCW  
24 28A.165.005 through 28A.165.065.

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

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