

SHB 2140 - H AMD TO H AMD (H3105.1) **833**

By Representative Stokesbary

NOT ADOPTED 04/26/2020

1 On page 1, beginning on line 3 of the striking amendment, strike
2 all of section 1 and insert the following:

3

4 "Sec. 1. RCW 28A.320.330 and 2018 c 266 s 302 are each amended
5 to read as follows:

6 School districts shall establish the following funds in addition
7 to those provided elsewhere by law:

8 (1)(a) A general fund for the school district to account for all
9 financial operations of the school district except those required to
10 be accounted for in another fund.

11 (b) By the 2018-19 school year, a local revenue subfund of its
12 general fund to account for the financial operations of a school
13 district that are paid from local revenues. The local revenues that
14 must be deposited in the local revenue subfund are enrichment levies
15 and transportation vehicle levies collected under RCW 84.52.053,
16 local effort assistance funding received under chapter 28A.500 RCW,
17 and other school district local revenues including, but not limited
18 to, grants, donations, and state and federal payments in lieu of
19 taxes, but do not include other federal revenues, or local revenues
20 that operate as an offset to the district's basic education
21 allocation under RCW 28A.150.250. School districts must track
22 expenditures from this subfund separately to account for the
23 expenditure of each of these streams of revenue by source, and must
24 provide ~~((any))~~ the supplemental expenditure schedule~~((s))~~ under (c)
25 of this subsection, and any other supplemental expenditure schedules
26 required by the superintendent of public instruction or state
27 auditor, for purposes of RCW 43.09.2856.

1 (c) Beginning in the 2019-20 school year, the superintendent of
2 public instruction must require school districts to provide a
3 supplemental expenditure schedule by revenue source that identifies
4 the amount expended by object for each of the following
5 supplementary enrichment activities beyond the state funded amount:
6 (i) Minimum instructional offerings under RCW 28A.150.220 or
7 28A.150.260 not otherwise included on other lines;
8 (ii) Staffing ratios or program components under RCW 28A.
9 150.260, including providing additional staff for class size
10 reduction beyond class sizes allocated in the prototypical school
11 model and additional staff beyond the staffing ratios allocated in
12 the prototypical school formula;
13 (iii) Program components under RCW 28A.150.200, 28A.150.220, or
14 28A.150.260, not otherwise included on other lines;
15 (iv) Program components to support students in the program of
16 special education;
17 (v) Program components of professional learning, as defined by
18 RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;
19 (vi) Extracurricular activities;
20 (vii) Extended school days or an extended school year;
21 (viii) Additional course offerings beyond the minimum
22 instructional program established in the state's statutory program
23 of basic education;
24 (ix) Activities associated with early learning programs;
25 (x) Activities associated with providing the student
26 transportation program;
27 (xi) Any additional salary costs attributable to the provision
28 or administration of the enrichment activities allowed under RCW
29 28A.150.276;
30 (xii) Additional activities or enhancements that the office of
31 the superintendent of public instruction determines to be a
32 documented and demonstrated enrichment of the state's statutory
33 program of basic education under RCW 28A.150.276; and
34

1 (xiii) All other costs not otherwise identified in other line
2 items.

3 (d) For any salary and related benefit costs identified in (c)
4 (xi), (xii), and (xiii) of this subsection, the school district
5 shall maintain a record describing how these expenditures are
6 documented and demonstrated enrichment of the state's statutory
7 program of basic education. School districts shall maintain these
8 records until the state auditor has completed the audit under RCW
9 43.09.2856.

10 (2) A capital projects fund shall be established for major
11 capital purposes. All statutory references to a "building fund"
12 shall mean the capital projects fund so established. Money to be
13 deposited into the capital projects fund shall include, but not be
14 limited to, bond proceeds, proceeds from excess levies authorized by
15 RCW 84.52.053, state apportionment proceeds as authorized by RCW
16 28A.150.270, earnings from capital projects fund investments as
17 authorized by RCW 28A.320.310 and 28A.320.320, and state forest
18 revenues transferred pursuant to subsection (3) of this section.

19 Money derived from the sale of bonds, including interest
20 earnings thereof, may only be used for those purposes described in
21 RCW 28A.530.010, except that accrued interest paid for bonds shall
22 be deposited in the debt service fund.

23 Money to be deposited into the capital projects fund shall
24 include but not be limited to rental and lease proceeds as
25 authorized by RCW 28A.335.060, and proceeds from the sale of real
26 property as authorized by RCW 28A.335.130.

27 Money legally deposited into the capital projects fund from
28 other sources may be used for the purposes described in RCW 28A.
29 530.010, and for the purposes of:

30 (a) Major renovation and replacement of facilities and systems
31 where periodical repairs are no longer economical or extend the
32 useful life of the facility or system beyond its original planned
33 useful life. Such renovation and replacement shall include, but
34 shall not be limited to, major repairs, exterior painting of

1 facilities, replacement and refurbishment of roofing, exterior
2 walls, windows, heating and ventilating systems, floor covering in
3 classrooms and public or common areas, and electrical and plumbing
4 systems.

5 (b) Renovation and rehabilitation of playfields, athletic
6 fields, and other district real property.

7 (c) The conduct of preliminary energy audits and energy audits
8 of school district buildings. For the purpose of this section:

9 (i) "Preliminary energy audits" means a determination of the
10 energy consumption characteristics of a building, including the
11 size, type, rate of energy consumption, and major energy using
12 systems of the building.

13 (ii) "Energy audit" means a survey of a building or complex
14 which identifies the type, size, energy use level, and major energy
15 using systems; which determines appropriate energy conservation
16 maintenance or operating procedures and assesses any need for the
17 acquisition and installation of energy conservation measures,
18 including solar energy and renewable resource measures.

19 (iii) "Energy capital improvement" means the installation, or
20 modification of the installation, of energy conservation measures in
21 a building which measures are primarily intended to reduce energy
22 consumption or allow the use of an alternative energy source.

23 (d) Those energy capital improvements which are identified as
24 being cost-effective in the audits authorized by this section.

25 (e) Purchase or installation of additional major items of
26 equipment and furniture: PROVIDED, That vehicles shall not be
27 purchased with capital projects fund money.

28 (f)(i) Costs associated with implementing technology systems,
29 facilities, and projects, including acquiring hardware, licensing
30 software, and online applications and training related to the
31 installation of the foregoing. However, the software or applications
32 must be an integral part of the district's technology systems,
33 facilities, or projects.

34

1 (ii) Costs associated with the application and modernization of
2 technology systems for operations and instruction including, but not
3 limited to, the ongoing fees for online applications, subscriptions,
4 or software licenses, including upgrades and incidental services,
5 and ongoing training related to the installation and integration of
6 these products and services. However, to the extent the funds are
7 used for the purpose under this subsection (2)(f)(ii), the school
8 district shall transfer to the district's general fund the portion
9 of the capital projects fund used for this purpose. The office of
10 the superintendent of public instruction shall develop accounting
11 guidelines for these transfers in accordance with internal revenue
12 service regulations.

13 (g) Major equipment repair, painting of facilities, and other
14 major preventative maintenance purposes. However, to the extent the
15 funds are used for the purpose under this subsection (2)(g), the
16 school district shall transfer to the district's general fund the
17 portion of the capital projects fund used for this purpose. The
18 office of the superintendent of public instruction shall develop
19 accounting guidelines for these transfers in accordance with
20 internal revenue service regulations. Based on the district's most
21 recent two-year history of general fund maintenance expenditures,
22 funds used for this purpose may not replace routine annual
23 preventive maintenance expenditures made from the district's general
24 fund.

25 (3) A debt service fund to provide for tax proceeds, other
26 revenues, and disbursements as authorized in chapter 39.44 RCW.
27 State forestland revenues that are deposited in a school district's
28 debt service fund pursuant to RCW 79.64.110 and to the extent not
29 necessary for payment of debt service on school district bonds may
30 be transferred by the school district into the district's capital
31 projects fund.

32 (4) An associated student body fund as authorized by RCW 28A.
33 325.030.

34

1 (5) Advance refunding bond funds and refunded bond funds to
2 provide for the proceeds and disbursements as authorized in chapter
3 39.53 RCW."

4

5 On page 3, beginning on line 37 of the striking amendment,
6 strike all of section 2 and insert the following:

7

8 "Sec. 2. RCW 43.09.2856 and 2018 c 266 s 406 are each amended
9 to read as follows:

10 (1) Beginning with the 2019-20 school year, to ensure that
11 school district local revenues are used solely for purposes of
12 enriching the state's statutory program of basic education, the
13 state auditor's regular financial audits of school districts must
14 include a review of the expenditure of school district local
15 revenues for compliance with RCW 28A.150.276, including the spending
16 plan approved by the superintendent of public instruction under RCW
17 28A.505.240 and its implementation, and any supplemental contracts
18 entered into under RCW 28A.400.200. The audit must also include a
19 review of the expenditure schedule and supporting documentation
20 required by RCW 28A.320.330(1)(c).

21 (2) If an audit under subsection (1) of this section results in
22 findings that a school district has failed to comply with these
23 requirements, then within ninety days of completing the audit the
24 auditor must report the findings to the superintendent of public
25 instruction, the office of financial management, and the education
26 and operating budget committees of the legislature. If the
27 superintendent of public instruction receives a report of findings
28 from the state auditor that an expenditure of a school district is
29 out of compliance with the requirements of RCW 28A.150.276, and the
30 finding is not resolved in the subsequent audit, the maximum taxes
31 levied for collection by the school district under RCW 84.52.0531 in
32 the following calendar year shall be reduced by the expenditure
33 amount identified by the state auditor.

34

1 (3) The use of the state allocation provided for professional
2 learning under RCW 28A.150.415 must be audited as part of the
3 regular financial audits of school districts by the state auditor's
4 office to ensure compliance with the limitations and conditions of
5 RCW 28A.150.415."

6
7 On page 6, beginning on line 4 of the striking amendment, strike
8 all of section 3 and insert the following:

9
10 **"Sec. 3.** RCW 28A.150.390 and 2018 c 266 s 102 are each amended
11 to read as follows:

12 (1) The superintendent of public instruction shall submit to
13 each regular session of the legislature during an odd-numbered year
14 a programmed budget request for special education programs for
15 students with disabilities. Funding for programs operated by local
16 school districts shall be on an excess cost basis from
17 appropriations provided by the legislature for special education
18 programs for students with disabilities and shall take account of
19 state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and
20 (8) and 28A.150.415.

21 (2) The excess cost allocation to school districts shall be
22 based on the following:

23 (a) A district's annual average headcount enrollment of students
24 ages birth through four and those five year olds not yet enrolled in
25 kindergarten who are eligible for and enrolled in special education,
26 multiplied by the district's base allocation per full-time
27 equivalent student, multiplied by 1.15; and

28 (b) A district's annual average full-time equivalent basic
29 education enrollment, multiplied by the district's funded enrollment
30 percent, multiplied by the district's base allocation per full-time
31 equivalent student, multiplied by 0.9609.

32 (3) As used in this section:

33 (a) "Base allocation" means the total state allocation to all
34 schools in the district generated by the distribution formula under

1 RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under
2 RCW 28A.150.415, to be divided by the district's full-time
3 equivalent enrollment.

4 (b) "Basic education enrollment" means enrollment of resident
5 students including nonresident students enrolled under RCW 28A.
6 225.225 and students from nonhigh districts enrolled under RCW 28A.
7 225.210 and excluding students residing in another district enrolled
8 as part of an interdistrict cooperative program under RCW 28A.225.250.

9 (c) "Enrollment percent" means the district's resident special
10 education annual average enrollment, excluding students ages birth
11 through four and those five year olds not yet enrolled in
12 kindergarten, as a percent of the district's annual average full-
13 time equivalent basic education enrollment.

14 (d) "Funded enrollment percent" means:

15 (i) The lesser of the district's actual enrollment percent or
16 thirteen and five-tenths percent; or

17 (ii) For school districts with a student enrollment under one
18 thousand students, the actual enrollment percent, if above thirteen
19 and five-tenths percent."

20

21 On page 7, at the beginning of line 19, strike "HOLD HARMLESS.
22 (1) For the 2018-19 and 2019-20 school years" and insert "~~((For the~~
23 ~~2018-19 and 2019-20 school years))~~Beginning in the 2020-21 school
24 year"

25

26 On page 7, line 20 of the striking amendment, after "allocate"
27 strike all material through "December 31, 2020" on page 8 line 33
28 and insert the following:

29

30 "~~((a hold harmless payment to school districts if the sum of~~
31 ~~(b) of this subsection is greater than the sum of (a) of this~~
32 ~~subsection for either of the respective school years or if a school~~
33 ~~district meets the criteria under subsection (2) of this section.~~

34

1 ~~(a) The current school year is calculated as the sum of (a)(i)~~
2 ~~through (iii) of this subsection using the enrollments and values in~~
3 ~~effect for that school year for the school district's:~~

4 ~~(i) Formula driven state allocations in part V of the state~~
5 ~~omnibus appropriations act for these programs: General~~
6 ~~apportionment, employee compensation adjustments, pupil~~
7 ~~transportation, special education programs, institutional education~~
8 ~~programs, transitional bilingual programs, highly capable, and~~
9 ~~learning assistance programs;~~

10 ~~(ii) Local effort assistance funding received under chapter 28A.~~
11 ~~500 RCW; and~~

12 ~~(iii) The lesser of the school district's voter approved~~
13 ~~enrichment levy collection or the maximum levy authority provided~~
14 ~~under RCW 84.52.0531 for the previous calendar year.~~

15 ~~(b) The baseline school year is calculated as the sum of (b)(i)~~
16 ~~through (iii) of this subsection using the current school year~~
17 ~~enrollments and the values in effect during the 2017-18 school year~~
18 ~~for the school district's:~~

19 ~~(i) Formula driven state allocations in part V of the state~~
20 ~~omnibus appropriations act for these programs: General~~
21 ~~apportionment, employee compensation adjustments, pupil~~
22 ~~transportation, special education programs, institutional education~~
23 ~~programs, transitional bilingual programs, highly capable, and~~
24 ~~learning assistance programs;~~

25 ~~(ii) Local effort assistance funding received under chapter 28A.~~
26 ~~500 RCW; and~~

27 ~~(iii) Maintenance and operation levy collection under RCW~~
28 ~~84.52.0531 in the 2017 calendar year.~~

29 ~~(2) From amounts appropriated in chapter 266, Laws of 2018, the~~
30 ~~superintendent of public instruction must prioritize hold harmless~~
31 ~~payments to districts that meet both the following criteria:~~

32 ~~(a) The sum of the school district's enrichment levy under RCW~~
33 ~~84.52.0531 and 2017 3rd sp.s. c 13 s 203 and local effort assistance~~
34 ~~under RCW 28A.500.015 is less than half of the sum of the~~

1 maintenance and operations levy and local effort assistance provided
2 under law as it existed on January 1, 2017. For purposes of the
3 calculation in this subsection, the maintenance and operations levy
4 is limited to the lesser of the voter approved levy as of January 1,
5 2017, or the maximum levy under law as of January 1, 2017; and

6 (b) The adjusted assessed value of property within the school
7 district as calculated by the department of revenue is greater than
8 twenty billion dollars in calendar year 2017.

9 (3) Districts eligible for hold harmless payments under
10 subsection (1) of this section shall receive the difference between
11 subsection (1)(b) and (a) of this section through the apportionment
12 payment process in RCW 28A.510.250.

13 (4) The voters of the school district must approve an enrichment
14 levy under RCW 84.52.0531 to be eligible for a hold harmless payment
15 under this section.

16 (5) This section expires December 31, 2020)) an amount equal to
17 three hundred seventy-five dollars per annual average full-time
18 equivalent student, as increased for inflation beginning in 2020, to
19 school districts that meet the following criteria:

20 (1) An annual average full-time equivalent enrollment that is
21 less than one thousand students;

22 (2) An annual average full-time equivalent enrollment that is
23 greater than twenty thousand students, and a percentage of students
24 eligible for free and reduced-price lunch that exceeds the statewide
25 average percentage of students eligible for free and reduced-price
26 lunch; or

27 (3) An annual average full-time equivalent enrollment that is
28 greater than forty thousand students"

29

30 On page 8, after line 33 of the striking amendment, insert the
31 following:

32

33 "NEW SECTION. Sec. 5. A new section is added to chapter 28A.

34 150 RCW to read as follows:

1 Subject to amounts appropriated for this specific purpose,
2 school districts shall receive additional funding for students that
3 are eligible for safety net awards under RCW 28A.150.392. Additional
4 funds allocated under this section shall be the difference between:

5 (1) The base allocation as defined in RCW 28A.150.390(3)(a),
6 multiplied by the excess cost multiplier under RCW 28A.150.390(2)
7 (b); and

8 (2) The safety net eligibility threshold designated by the
9 office of the superintendent of public instruction in the annual
10 special education safety net application.

11
12 NEW SECTION. **Sec. 6.** The legislature finds that professional
13 development for certificated instructional staff and other school
14 district employees is an important aspect of the state's program of
15 basic education because it allows educators to grow as professionals
16 and gain skills to better implement the instructional program. At
17 the same time, the state finds that children learn best when their
18 regular instructional program is provided consistently by the same
19 instructors and is not unduly disrupted by substitute instructors or
20 interruptions to the daily school schedule.

21 For these reasons, the legislature intends to provide funding
22 for one day of professional development for certificated
23 instructional staff as part of the state's program of basic
24 education, to limit use of state-funded professional development to
25 evenings, weekends, or days outside the regular school year.

26
27 **Sec. 7.** RCW 28A.150.200 and 2017 3rd sp.s. c 13 s 401 are each
28 amended to read as follows:

29 (1) The program of basic education established under this
30 chapter is deemed by the legislature to comply with the requirements
31 of Article IX, section 1 of the state Constitution, which states
32 that "It is the paramount duty of the state to make ample provision
33 for the education of all children residing within its borders,
34 without distinction or preference on account of race, color, caste,

1 or sex," and is adopted pursuant to Article IX, section 2 of the
2 state Constitution, which states that "The legislature shall provide
3 for a general and uniform system of public schools."

4 (2) The legislature defines the program of basic education under
5 this chapter as that which is necessary to provide the opportunity
6 to develop the knowledge and skills necessary to meet the state-
7 established high school graduation requirements that are intended to
8 allow students to have the opportunity to graduate with a meaningful
9 diploma that prepares them for postsecondary education, gainful
10 employment, and citizenship. Basic education by necessity is an
11 evolving program of instruction intended to reflect the changing
12 educational opportunities that are needed to equip students for
13 their role as productive citizens and includes the following:

14 (a) The instructional program of basic education the minimum
15 components of which are described in RCW 28A.150.220;

16 (b) The program of education provided by chapter 28A.190 RCW for
17 students in residential schools as defined by RCW 28A.190.020 and
18 for juveniles in detention facilities as identified by RCW 28A.
19 190.010;

20 (c) The program of education provided by chapter 28A.193 RCW for
21 individuals under the age of eighteen who are incarcerated in adult
22 correctional facilities;

23 (d) Transportation and transportation services to and from
24 school for eligible students as provided under RCW 28A.160.150
25 through 28A.160.180; and

26 (e) Statewide salary allocations necessary to hire and retain
27 qualified staff for the state's statutory program of basic
28 education, including allocations for professional development for
29 certificated instructional staff under RCW 28A.150.415.

30

31 **Sec. 8.** RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each
32 amended to read as follows:

33 (1) Beginning with the 2018-19 school year, the legislature
34 shall (~~begin phasing in~~) allocate state funding for professional

1 learning days for state-funded certificated instructional staff.
2 ~~((At a minimum))~~ Beginning with the 2019-20 school year, as part of
3 the state's program of basic education, the state must ~~((allocate~~
4 ~~funding for:~~

5 ~~(a))~~ fund one professional learning day ~~((in the 2018-19 school~~
6 ~~year;~~

7 ~~(b) Two professional learning days in the 2019-20 school year; and~~

8 ~~(c) Three professional learning days in the 2020-21 school~~

9 ~~year))~~ for each full-time equivalent certificated instructional
10 staff unit in the state's funding formulas.

11 (2) School districts must schedule state-funded professional
12 development activities outside regular instructional time and the
13 minimum instructional days and hours specified in RCW 28A.

14 150.220(2). School districts may not use early-release or late-start
15 days to provide state-funded professional development.

16 (3) School districts must use state professional development
17 allocations under this section only for professional development for
18 state-funded certificated instructional staff. Nothing in this
19 section entitles an individual certificated instructional staff to
20 any particular number of professional learning days. Nothing in this
21 section prevents the state from allocating funding for additional
22 professional learning days as a supplement to basic education
23 allocations.

24 ~~((+3))~~ (4) The professional learning days must meet the
25 definitions and standards provided in RCW 28A.415.430, 28A.415.432,
26 and 28A.415.434.

27

28 **Sec. 9.** RCW 28A.400.200 and 2018 c 266 s 205 are each amended
29 to read as follows:

30 (1) Every school district board of directors shall fix, alter,
31 allow, and order paid salaries and compensation for all district
32 employees in conformance with this section.

33 (2)(a) Through the 2017-18 school year, salaries for
34 certificated instructional staff shall not be less than the salary

1 provided in the appropriations act in the statewide salary
2 allocation schedule for an employee with a baccalaureate degree and
3 zero years of service;

4 (b) Salaries for certificated instructional staff with a
5 master's degree shall not be less than the salary provided in the
6 appropriations act in the statewide salary allocation schedule for
7 an employee with a master's degree and zero years of service; and

8 (c) Beginning with the 2018-19 school year:

9 (i) Salaries for full-time certificated instructional staff must
10 not be less than forty thousand dollars, to be adjusted for regional
11 differences in the cost of hiring staff as specified in RCW 28A.
12 150.410, and to be adjusted annually by the same inflationary
13 measure as provided in RCW 28A.400.205;

14 (ii) Salaries for full-time certificated instructional staff
15 with at least five years of experience must exceed by at least ten
16 percent the value specified in (c)(i) of this subsection;

17 (iii) A district may not pay full-time certificated
18 instructional staff a salary that exceeds ninety thousand dollars,
19 subject to adjustment for regional differences in the cost of hiring
20 staff as specified in RCW 28A.150.410. This maximum salary is
21 adjusted annually by the inflationary measure in RCW 28A.400.205;

22 (iv) These minimum and maximum salaries apply to the services
23 provided as part of the state's statutory program of basic education
24 and exclude supplemental contracts for additional time,
25 responsibility, or incentive pursuant to this section or for
26 enrichment pursuant to RCW 28A.150.276;

27 (v) A district may pay a salary that exceeds this maximum salary
28 by up to ten percent for full-time certificated instructional staff:
29 Who are educational staff associates; who teach in the subjects of
30 science, technology, engineering, or math; or who teach in the
31 transitional bilingual instruction or special education programs.

32 (3)(a)(i) Through the 2017-18 school year the actual average
33 salary paid to certificated instructional staff shall not exceed the
34 district's average certificated instructional staff salary used for

1 the state basic education allocations for that school year as
2 determined pursuant to RCW 28A.150.410.

3 (ii) For the 2018-19 school year, salaries for certificated
4 instructional staff are subject to the limitations in RCW 41.59.800.

5 (iii) Beginning with the 2019-20 school year, for purposes of
6 subsection (4) of this section, RCW 28A.150.276, and 28A.505.100,
7 each school district must annually identify the actual salary paid
8 to each certificated instructional staff for services rendered as
9 part of the state's program of basic education.

10 (iv) Beginning with the 2019-20 school year, compensation for
11 state-funded professional development must comply with RCW 28A.
12 150.410 and 28A.150.415.

13 (b) Through the 2018-19 school year, fringe benefit
14 contributions for certificated instructional staff shall be included
15 as salary under (a)(i) of this subsection only to the extent that
16 the district's actual average benefit contribution exceeds the
17 amount of the insurance benefits allocation, less the amount
18 remitted by districts to the health care authority for retiree
19 subsidies, provided per certificated instructional staff unit in the
20 state operating appropriations act in effect at the time the
21 compensation is payable. For purposes of this section, fringe
22 benefits shall not include payment for unused leave for illness or
23 injury under RCW 28A.400.210; employer contributions for old age
24 survivors insurance, workers' compensation, unemployment
25 compensation, and retirement benefits under the Washington state
26 retirement system; or employer contributions for health benefits in
27 excess of the insurance benefits allocation provided per
28 certificated instructional staff unit in the state operating
29 appropriations act in effect at the time the compensation is
30 payable. A school district may not use state funds to provide
31 employer contributions for such excess health benefits.

32 (c) Salary and benefits for certificated instructional staff in
33 programs other than basic education shall be consistent with the
34

1 salary and benefits paid to certificated instructional staff in the
2 basic education program.

3 (4)(a) Salaries and benefits for certificated instructional
4 staff may exceed the limitations in subsection (3) of this section
5 only by separate contract for additional time, for additional
6 responsibilities, or for incentives. Supplemental contracts shall
7 not cause the state to incur any present or future funding
8 obligation. Supplemental contracts must be accounted for by a school
9 district when the district is developing its four-year budget plan
10 under RCW 28A.505.040.

11 (b) Supplemental contracts shall be subject to the collective
12 bargaining provisions of chapter 41.59 RCW and the provisions of RCW
13 28A.405.240, shall not exceed one year, and if not renewed shall not
14 constitute adverse change in accordance with RCW 28A.405.300 through
15 28A.405.380. No district may enter into a supplemental contract
16 under this subsection for the provision of services which are a part
17 of the basic education program required by Article IX, section 1 of
18 the state Constitution and RCW 28A.150.220.

19 (c)(i) Beginning September 1, 2019, supplemental contracts for
20 certificated instructional staff are subject to the following
21 additional restrictions: School districts may enter into
22 supplemental contracts only for enrichment activities as defined in
23 and subject to the limitations of RCW 28A.150.276.

24 (ii) For a supplemental contract, or portion of a supplemental
25 contract, that is time-based, the hourly rate the district pays may
26 not exceed the hourly rate provided to that same instructional staff
27 for services under the basic education salary identified under
28 subsection (3)(a)(iii) of this section. For a supplemental contract,
29 or portion of a supplemental contract that is not time-based, the
30 contract must document the additional duties, responsibilities, or
31 incentives that are being funded in the contract.

32 (5) Employee benefit plans offered by any district shall comply
33 with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

34

1 **Sec. 10.** RCW 28A.413.060 and 2018 c 153 s 3 are each amended to
2 read as follows:

3 (1) School districts must implement this section only in school
4 years for which state funding is appropriated specifically for the
5 purposes of this section and only for the number of days that are
6 funded by the appropriation.

7 (2) School districts must provide a four-day fundamental course
8 of study on the state standards of practice, as defined by the
9 board, to paraeducators who have not completed the course, either in
10 the district or in another district within the state. School
11 districts must use best efforts to provide the fundamental course of
12 study before the paraeducator begins to work with students and their
13 families, and at a minimum by the deadlines provided in subsection
14 (3) of this section.

15 (3) Except as provided in (b) of this subsection, school
16 districts must provide the fundamental course of study required in
17 subsection (2) of this section by the deadlines provided in (a) of
18 this subsection:

19 (a)(i) For paraeducators hired on or before September 1st, by
20 September 30th of that year, regardless of the size of the district;
21 and

22 (ii) For paraeducators hired after September 1st:

23 (A) For districts with ten thousand or more students, within
24 four months of the date of hire; and

25 (B) For districts with fewer than ten thousand students, no
26 later than September 1st of the following year.

27 (b)(i) For paraeducators hired for the 2018-19 school year, by
28 September 1, 2020; and

29 (ii) For paraeducators not hired for the 2018-19 school year,
30 but hired for the 2019-20 school year, by September 1, 2021.

31 (4) School districts may collaborate with other school districts
32 or educational service districts to meet the requirements of this
33 section.

34

1 (5) School districts must schedule state-funded paraeducator
2 professional development activities outside regular instructional
3 time and the minimum instructional days and hours specified in RCW
4 28A.150.220(2).

5
6 **Sec. 11.** RCW 28A.150.260 and 2018 c 266 s 101 are each amended
7 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)(a) The distribution formula under this section shall be for
18 allocation purposes only. Except as may be required under
19 subsections (4)(b) and (c) and (9) of this section, RCW 28A.150.415,
20 chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws
21 and regulations, nothing in this section requires school districts
22 to use basic education instructional funds to implement a particular
23 instructional approach or service. Nothing in this section requires
24 school districts to maintain a particular classroom teacher-to-
25 student ratio or other staff-to-student ratio or to use allocated
26 funds to pay for particular types or classifications of staff.
27 Nothing in this section entitles an individual teacher to a
28 particular teacher planning period.

29 (b) To promote transparency in state funding allocations, the
30 superintendent of public instruction must report state per-pupil
31 allocations for each school district for the general apportionment,
32 special education, learning assistance, transitional bilingual,
33 highly capable, and career and technical education programs. The
34 superintendent must also report state general apportionment per-

1 pupil allocations by grade for each school district. The
2 superintendent must report this information in a user-friendly
3 format on the main page of the office's web site and on school
4 district apportionment reports. School districts must include a link
5 to the superintendent's per-pupil allocations report on the main
6 page of the school district's web site. In addition, the budget
7 documents published by the legislature for the enacted omnibus
8 operating appropriations act must report statewide average per-pupil
9 allocations for general apportionment and the categorical programs
10 listed in this subsection.

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

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

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

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

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

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

	General education average class size
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
Grades K-3.....	17.00
Grade 4.....	27.00
Grades 5-6.....	27.00
Grades 7-8.....	28.53
Grades 9-12.....	28.74

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

	Laboratory science average class size
--	------------------------------------------

1 Grades 9-12.....19.98

2 (b)(i) Beginning September 1, 2019, funding for average K-3
3 class sizes in this subsection (4) may be provided only to the
4 extent of, and proportionate to, the school district's demonstrated
5 actual class size in grades K-3, up to the funded class sizes.

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

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

Career and technical
education average
class size

12
13 Approved career and technical education offered at
14 the middle school and high school level..... 23.00
15 Skill center programs meeting the standards established
16 by the office of the superintendent of public
17 instruction..... 20.00
18
19
20

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

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

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

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

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

Elementary Middle High
School School School

1	Principals, assistant principals, and other certificated building-level			
2	administrators.....	1.253	1.353	1.880
3	Teacher-librarians, a function that includes information literacy, technology,			
4	and media to support school library media programs	0.663	0.519	0.523
5	Health and social services:			
6				
7	School nurses.....	0.076	0.060	0.096
8	Social workers.....	0.042	0.006	0.015
9	Psychologists.....	0.017	0.002	0.007
10	Guidance counselors, a function that includes parent outreach and graduation			
11	advising.....	0.493	1.216	2.539
12	Teaching assistance, including any aspect of educational instructional services			
13	provided by classified employees.....	0.936	0.700	0.652
14	Office support and other noninstructional aides.....	2.012	2.325	3.269
15	Custodians.....	1.657	1.942	2.965
16	Classified staff providing student and staff safety	0.079	0.092	0.141
17	Parent involvement coordinators.....	0.0825	0.00	0.00
18				

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

24		Staff per 1,000
25		K-12 students
26	Technology.....	0.628
27	Facilities, maintenance, and grounds.....	1.813
28	Warehouse, laborers, and mechanics.....	0.332

29 (b) The minimum allocation of staff units for each school
30 district to support certificated and classified staffing of central
31 administration shall be 5.30 percent of the staff units generated
32 under subsections (4)(a) and (5) of this section and (a) of this
33 subsection.
34

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

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

	Per annual average full-time equivalent student in grades K-12
14 Technology.....	\$130.76
15 Utilities and insurance.....	\$355.30
16 Curriculum and textbooks.....	\$140.39
17 Other supplies	\$278.05
18 Library materials.....	\$20.00
19 Instructional professional development for certificated and 20 classified staff.....	\$21.71
21 Facilities maintenance.....	\$176.01
22 Security and central office administration.....	\$121.94

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

	Per annual average full-time equivalent student in grades 9-12
33 Technology.....	\$36.35
34 Curriculum and textbooks.....	\$39.02

1	Other supplies	\$77.28
2	Library materials.....	\$5.56
3	Instructional professional development for certificated and	
4	classified staff.....	\$6.04

5 (9) In addition to the amounts provided in subsection (8) of
6 this section and subject to RCW 28A.150.265, the omnibus
7 appropriations act shall provide an amount based on full-time
8 equivalent student enrollment in each of the following:

- 9 (a) Exploratory career and technical education courses for
10 students in grades seven through twelve;
- 11 (b) Preparatory career and technical education courses for
12 students in grades nine through twelve offered in a high school; and
- 13 (c) Preparatory career and technical education courses for
14 students in grades eleven and twelve offered through a skill center.

15 (10) In addition to the allocations otherwise provided under
16 this section, amounts shall be provided to support the following
17 programs and services:

18 (a)(i) To provide supplemental instruction and services for
19 students who are not meeting academic standards through the learning
20 assistance program under RCW 28A.165.005 through 28A.165.065,
21 allocations shall be based on the district percentage of students in
22 grades K-12 who were eligible for free or reduced-price meals in the
23 prior school year. The minimum allocation for the program shall
24 provide for each level of prototypical school resources to provide,
25 on a statewide average, 2.3975 hours per week in extra instruction
26 with a class size of fifteen learning assistance program students
27 per teacher.

28 (ii) In addition to funding allocated under (a)(i) of this
29 subsection, to provide supplemental instruction and services for
30 students who are not meeting academic standards in qualifying
31 schools. A qualifying school means a school in which the three-year
32 rolling average of the prior year total annual average enrollment
33 that qualifies for free or reduced-price meals equals or exceeds
34

1 fifty percent or more of its total annual average enrollment. The
2 minimum allocation for this additional high poverty-based allocation
3 must provide for each level of prototypical school resources to
4 provide, on a statewide average, 1.1 hours per week in extra
5 instruction with a class size of fifteen learning assistance program
6 students per teacher, under RCW 28A.165.055, school districts must
7 distribute the high poverty-based allocation to the schools that
8 generated the funding allocation.

9 (b)(i) To provide supplemental instruction and services for
10 students whose primary language is other than English, allocations
11 shall be based on the head count number of students in each school
12 who are eligible for and enrolled in the transitional bilingual
13 instruction program under RCW 28A.180.010 through 28A.180.080. The
14 minimum allocation for each level of prototypical school shall
15 provide resources to provide, on a statewide average, 4.7780 hours
16 per week in extra instruction for students in grades kindergarten
17 through six and 6.7780 hours per week in extra instruction for
18 students in grades seven through twelve, with fifteen transitional
19 bilingual instruction program students per teacher. Notwithstanding
20 other provisions of this subsection (10), the actual per-student
21 allocation may be scaled to provide a larger allocation for students
22 needing more intensive intervention and a commensurate reduced
23 allocation for students needing less intensive intervention, as
24 detailed in the omnibus appropriations act.

25 (ii) To provide supplemental instruction and services for
26 students who have exited the transitional bilingual program,
27 allocations shall be based on the head count number of students in
28 each school who have exited the transitional bilingual program
29 within the previous two years based on their performance on the
30 English proficiency assessment and are eligible for and enrolled in
31 the transitional bilingual instruction program under RCW 28A.
32 180.040(1)(g). The minimum allocation for each prototypical school
33 shall provide resources to provide, on a statewide average, 3.0
34

1 hours per week in extra instruction with fifteen exited students per
2 teacher.

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

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

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

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

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

31 (b) In the event the legislature rejects the distribution
32 formula recommended by the governor, without adopting a new
33 distribution formula, the distribution formula for the previous
34 school year shall 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
4 each 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
7 shall be determined by rules of the superintendent of public
8 instruction and shall be included as part of the superintendent's
9 biennial budget request. The definition shall be based on the
10 minimum instructional hour offerings required under RCW 28A.150.220.
11 Any revision of the present definition shall not take effect until
12 approved by the house ways and means committee and the senate ways
13 and means committee.

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

17
18 **Sec. 12.** RCW 28A.505.100 and 2017 3rd sp.s. c 13 s 603 are each
19 amended to read as follows:

20 (1) The budget must set forth the estimated revenues from all
21 sources for the ensuing fiscal year, the estimated revenues for the
22 fiscal year current at the time of budget preparation, the actual
23 revenues for the last completed fiscal year, and the reserved and
24 unreserved fund balances for each year. The estimated revenues from
25 all sources for the ensuing fiscal year shall not include any
26 revenue not anticipated to be available during that fiscal year.
27 However, school districts, pursuant to RCW 28A.505.110, can be
28 granted permission by the superintendent of public instruction to
29 include as revenues in their budgets, receivables collectible in
30 future fiscal years.

31 (2)(a) The budget must set forth by detailed items or classes
32 the estimated expenditures for the ensuing fiscal year, the
33 estimated expenditures for the fiscal year current at the time of
34

1 budget preparation, and the actual expenditures for the last
2 completed fiscal year.

3 (b) The budget must set forth:

4 (i) The state-funded basic education salary amounts, including
5 state-funded professional development, locally funded salary
6 amounts, total salary amounts, and full-time equivalency for each
7 individual certificated instructional staff, certificated
8 administrative staff, and classified staff; and

9 (ii) The high, low, and average annual salaries, which shall be
10 displayed by job classification within each budget classification.

11 (3) In districts where negotiations have not been completed, the
12 district may budget the salaries at the current year's rate and
13 restrict fund balance for the amount of anticipated increase in
14 salaries, so long as an explanation is attached to the budget on
15 such restriction of fund balance.

16

17 NEW SECTION. **Sec. 12.** A new section is added to chapter 41.56
18 RCW to read as follows:

19 EFFECT ON COLLECTIVE BARGAINING AGREEMENTS. Nothing in chapter .
20 . . ., Laws of 2019 (this act) is intended to alter or impair school
21 district collective bargaining agreements that are in effect on the
22 effective date of this section. Any school district collective
23 bargaining agreement executed or modified after the effective date
24 of this section must comply with chapter . . ., Laws of 2019 (this
25 act).

26

27 NEW SECTION. **Sec. 14.** A new section is added to chapter 41.59
28 RCW to read as follows:

29 EFFECT ON COLLECTIVE BARGAINING AGREEMENTS. Nothing in chapter .
30 . . ., Laws of 2019 (this act) is intended to alter or impair school
31 district collective bargaining agreements that are in effect on the
32 effective date of this section. Any school district collective
33 bargaining agreement executed or modified after the effective date

34

1 of this section must comply with chapter . . . , Laws of 2019 (this
2 act).

3

4 NEW SECTION. **Sec. 15.** Sections 3, 4, and 5 of this act take
5 effect September 1, 2020.

6

7 NEW SECTION. **Sec. 16.** Sections 6 through 12 of this act take
8 effect September 1, 2019."

9

10 On page 8, beginning on line 34 of the striking amendment,
11 strike all of sections 5 and 6.

12

13 Renumber the remaining sections consecutively and correct any
14 internal references accordingly.

15

16 Correct the title.

EFFECT: Removes provisions of the underlying striker that
change local school enrichment levies, local effort assistance and
deposits of tax collections in the Education Legacy Trust Account.

Revises hold harmless section of the underlying striker, to change
it to a payment of \$350 per pupil beginning in the 2020-21 school
year for districts with less than 1,000 students, more than 40,000
students, or with enrollments of greater than 20,000 students and
above average enrollment in free and reduced-price lunch programs.

Adds new sections that:

- Require districts to provide a supplemental expenditure schedule by
revenue source and enrichment activity.
- Require the State Auditor audits to audit the supplemental
expenditure schedules and documentation.
- Remove the 13.5 percent funded enrollment limit for special
education students in districts with less than 1,000 students
enrolled beginning in the 2020-21 school year.
- Provide additional funding for students eligible for special
education safety net awards beginning in the 2020-21 school year.
- Add intent language regarding professional development.
- Include professional learning days for Certificated Instructional
Staff (CIS) under the definition of basic education.
- Reduce the number of state funded professional learning days to one
per school year starting in 2019-20.

- Revise references to professional development statutes.
- Require state funded paraeducator training to be performed outside regular instructional days and hours specified in statute.
- Require CIS professional learning day funding to be used only for professional development.
- Require state funded professional development to be set forth in the school districts budget.

--- END ---