

**ESHB 2660** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED 03/05/2020**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** This act may be known and cited as the  
4 hunger-free schools act.

5 **Sec. 2.** RCW 28A.235.290 and 2019 c 208 s 2 are each amended to  
6 read as follows:

7 (1) The office of the superintendent of public instruction shall  
8 develop and implement a plan to increase the number of schools  
9 participating in the United States department of agriculture  
10 community eligibility provision for the 2018-19 school year and  
11 subsequent years. The office shall work jointly with community-based  
12 organizations and national experts focused on hunger and nutrition  
13 and familiar with the community eligibility provision, at least two  
14 school representatives who have successfully implemented community  
15 eligibility, and the state agency responsible for medicaid direct  
16 certification. The plan must describe how the office of the  
17 superintendent of public instruction will:

18 (a) Identify and recruit eligible schools to implement the  
19 community eligibility provision, with the goal of increasing the  
20 participation rate of eligible schools to at least the national  
21 average;

22 (b) Provide comprehensive outreach and technical assistance to  
23 school districts and schools to implement the community eligibility  
24 provision;

25 (c) Support breakfast after the bell programs authorized by the  
26 legislature to adopt the community eligibility provision;

27 (d) Work with school districts to group schools in order to  
28 maximize the number of schools implementing the community eligibility  
29 provision; and

30 (e) Determine the maximum percentage of students eligible for  
31 free meals where participation in the community eligibility provision

1 provides the most support for a school, school district, or group of  
2 schools.

3 (2) Until June 30, (~~2019~~) 2021, the office of the  
4 superintendent of public instruction shall convene the organizations  
5 working jointly on the plan monthly to report on the status of the  
6 plan and coordinate outreach and technical assistance efforts to  
7 schools and school districts. In completing the duties required by  
8 this subsection (2), the office of the superintendent of public  
9 instruction and the organizations working jointly on the plan shall  
10 also, by December 1, 2020, examine the impacts to schools and  
11 districts that can result from participation in the community  
12 eligibility provision and identify approaches to addressing those  
13 impacts.

14 (3) Beginning in 2018, the office of the superintendent of public  
15 instruction shall report annually the number of schools that have  
16 implemented the community eligibility provision to the legislature by  
17 December 1st of each year. The report shall identify:

18 (a) Any barriers to implementation;

19 (b) Recommendations on policy and legislative solutions to  
20 overcome barriers to implementation;

21 (c) Reasons potentially eligible schools and school districts  
22 decide not to adopt the community eligibility provision; and

23 (d) Approaches in other states to adopting the community  
24 eligibility provision.

25 NEW SECTION. Sec. 3. A new section is added to chapter 28A.235  
26 RCW to read as follows:

27 (1) Except as provided otherwise by this section, each school  
28 with students in or below grade eight that has an identified student  
29 percentage of at least sixty-two and one-half percent, as determined  
30 annually by April 1st, must participate in the United States  
31 department of agriculture's community eligibility provision in the  
32 subsequent school year and throughout the duration of the community  
33 eligibility provision's four-year cycle.

34 (2) Schools that, through an arrangement with a local entity,  
35 provide meals to all students and at no costs to the students are  
36 exempt from the requirements of this section.

37 (3) For the purposes of this section, "identified student" means  
38 a student who is directly certified for free school meals based on  
39 the student's participation in other means-tested assistance

1 programs, and students who are categorically eligible for free school  
2 meals without an application and not subject to income verification.

3 **Sec. 4.** RCW 28A.150.260 and 2018 c 266 s 101 are each amended to  
4 read as follows:

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

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

14 (2)(a) The distribution formula under this section shall be for  
15 allocation purposes only. Except as may be required under subsections  
16 (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165,  
17 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in  
18 this section requires school districts to use basic education  
19 instructional funds to implement a particular instructional approach  
20 or service. Nothing in this section requires school districts to  
21 maintain a particular classroom teacher-to-student ratio or other  
22 staff-to-student ratio or to use allocated funds to pay for  
23 particular types or classifications of staff. Nothing in this section  
24 entitles an individual teacher to a particular teacher planning  
25 period.

26 (b) To promote transparency in state funding allocations, the  
27 superintendent of public instruction must report state per-pupil  
28 allocations for each school district for the general apportionment,  
29 special education, learning assistance, transitional bilingual,  
30 highly capable, and career and technical education programs. The  
31 superintendent must also report state general apportionment per-pupil  
32 allocations by grade for each school district. The superintendent  
33 must report this information in a user-friendly format on the main  
34 page of the office's web site and on school district apportionment  
35 reports. School districts must include a link to the superintendent's  
36 per-pupil allocations report on the main page of the school  
37 district's web site. In addition, the budget documents published by  
38 the legislature for the enacted omnibus operating appropriations act

1 must report statewide average per-pupil allocations for general  
2 apportionment and the categorical programs listed in this subsection.

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

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

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

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

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

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

1 following general education average class size of full-time  
2 equivalent students per teacher:

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

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

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

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

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

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

	Career and technical education average class size
32	
33	
34	
35	Approved career and technical education offered at
36	the middle school and high school level. . . . . 23.00
37	Skill center programs meeting the standards established
38	by the office of the superintendent of public

1 instruction. . . . . 20.00

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

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

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

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

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

	Elementary School	Middle School	High School
14 Principals, assistant principals, and other certificated building-level 15 administrators. . . . .	1.253	1.353	1.880
16 Teacher-librarians, a function that includes information literacy, technology, 17 and media to support school library media programs. . . . .	0.663	0.519	0.523
18 Health and social services:			
19 School nurses. . . . .	0.076	0.060	0.096
20 Social workers. . . . .	0.042	0.006	0.015
21 Psychologists. . . . .	0.017	0.002	0.007
22 Guidance counselors, a function that includes parent outreach and graduation 23 advising. . . . .	0.493	1.216	2.539
24 Teaching assistance, including any aspect of educational instructional services 25 provided by classified employees. . . . .	0.936	0.700	0.652
26 Office support and other noninstructional aides. . . . .	2.012	2.325	3.269
27 Custodians. . . . .	1.657	1.942	2.965
28 Classified staff providing student and staff safety. . . . .	0.079	0.092	0.141
29 Parent involvement coordinators. . . . .	0.0825	0.00	0.00

32 (6) (a) The minimum staffing allocation for each school district  
33 to provide district-wide support services shall be allocated per one  
34 thousand annual average full-time equivalent students in grades K-12  
35 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 (5) of this section and (a) of this  
10 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) of this subsection, the minimum  
16 allocation for each school district shall include allocations per  
17 annual average full-time equivalent student for the following  
18 materials, supplies, and operating costs as provided in the 2017-18  
19 school year, after which the allocations shall be adjusted annually  
20 for inflation as specified in the omnibus appropriations act:

21		Per annual average
22		full-time equivalent student
23		in grades K-12
24	Technology. . . . .	\$130.76
25	Utilities and insurance. . . . .	\$355.30
26	Curriculum and textbooks. . . . .	\$140.39
27	Other supplies . . . . .	\$278.05
28	Library materials. . . . .	\$20.00
29	Instructional professional development for certificated and	
30	classified staff. . . . .	\$21.71
31	Facilities maintenance. . . . .	\$176.01
32	Security and central office administration. . . . .	\$121.94

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

1		Per annual average
2		full-time equivalent student
3		in grades 9-12
4	Technology. . . . .	\$36.35
5	Curriculum and textbooks. . . . .	\$39.02
6	Other supplies . . . . .	\$77.28
7	Library materials. . . . .	\$5.56
8	Instructional professional development for certificated and	
9	classified staff. . . . .	\$6.04

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

- 14 (a) Exploratory career and technical education courses for
- 15 students in grades seven through twelve;
- 16 (b) Preparatory career and technical education courses for
- 17 students in grades nine through twelve offered in a high school; and
- 18 (c) Preparatory career and technical education courses for
- 19 students in grades eleven and twelve offered through a skill center.

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

23 (a)(i) To provide supplemental instruction and services for  
24 students who are not meeting academic standards through the learning  
25 assistance program under RCW 28A.165.005 through 28A.165.065,  
26 allocations shall be based on the greater of either: The district  
27 percentage of students in kindergarten through grade twelve who were  
28 eligible for free or reduced-price meals for the school year  
29 immediately preceding the district's participation, in whole or part,  
30 in the United States department of agriculture's community  
31 eligibility provision, or the district percentage of students in  
32 grades K-12 who were eligible for free or reduced-price meals in the  
33 prior school year. The minimum allocation for the program shall  
34 provide for each level of prototypical school resources to provide,  
35 on a statewide average, 2.3975 hours per week in extra instruction  
36 with a class size of fifteen learning assistance program students per  
37 teacher.

38 (ii) In addition to funding allocated under (a)(i) of this  
39 subsection, to provide supplemental instruction and services for



1 students who are not meeting academic standards in qualifying  
2 schools. A qualifying school means a school in which the three-year  
3 rolling average of the prior year total annual average enrollment  
4 that qualifies for free or reduced-price meals equals or exceeds  
5 fifty percent or more of its total annual average enrollment. A  
6 school continues to meet the definition of a qualifying school if the  
7 school: Participates in the United States department of agriculture's  
8 community eligibility provision; and met the definition of a  
9 qualifying school in the year immediately preceding their  
10 participation. The minimum allocation for this additional high  
11 poverty-based allocation must provide for each level of prototypical  
12 school resources to provide, on a statewide average, 1.1 hours per  
13 week in extra instruction with a class size of fifteen learning  
14 assistance program students per teacher, under RCW 28A.165.055,  
15 school districts must distribute the high poverty-based allocation to  
16 the schools that generated the funding allocation.

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

33 (ii) To provide supplemental instruction and services for  
34 students who have exited the transitional bilingual program,  
35 allocations shall be based on the head count number of students in  
36 each school who have exited the transitional bilingual program within  
37 the previous two years based on their performance on the English  
38 proficiency assessment and are eligible for and enrolled in the  
39 transitional bilingual instruction program under RCW  
40 28A.180.040(1)(g). The minimum allocation for each prototypical

1 school shall provide resources to provide, on a statewide average,  
2 3.0 hours per week in extra instruction with fifteen exited students  
3 per teacher.

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

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

15 (12)(a) For the purposes of allocations for prototypical high  
16 schools and middle schools under subsections (4) and (10) of this  
17 section that are based on the percent of students in the school who  
18 are eligible for free and reduced-price meals, the actual percent of  
19 such students in a school shall be adjusted by a factor identified in  
20 the omnibus appropriations act to reflect underreporting of free and  
21 reduced-price meal eligibility among middle and high school 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 formula  
32 recommended by the governor, without adopting a new distribution  
33 formula, the distribution formula for the previous school year shall  
34 remain in effect.

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

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

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

10 **Sec. 5.** RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each  
11 amended to read as follows:

12 (1) Certificated instructional staff who have attained  
13 certification from the national board for professional teaching  
14 standards shall receive a bonus each year in which they maintain the  
15 certification. The bonus shall be calculated as follows: The annual  
16 bonus shall be five thousand dollars in the 2007-08 school year.  
17 Thereafter, the annual bonus shall increase by inflation, except that  
18 the bonus shall not be increased during the 2013-14 and 2014-15  
19 school years.

20 (2) (a) Certificated instructional staff who have attained  
21 certification from the national board for professional teaching  
22 standards shall be eligible for bonuses in addition to that provided  
23 by subsection (1) of this section if the individual is in an  
24 instructional assignment in a school in which at least seventy  
25 percent of the students qualify for the free and reduced-price lunch  
26 program.

27 (b) An individual is eligible for bonuses authorized under this  
28 subsection (2) if he or she is in an instructional assignment in a  
29 school that meets the definition of high poverty school as defined in  
30 rule by the office of the superintendent of public instruction in the  
31 school year immediately preceding the school's participation in the  
32 United States department of agriculture's community eligibility  
33 provision.

34 (3) The amount of the additional bonus under subsection (2) of  
35 this section for those meeting the qualifications of subsection (2)  
36 of this section is five thousand dollars.

37 (4) The bonuses provided under this section are in addition to  
38 compensation received under a district's salary schedule adopted in  
39 accordance with RCW 28A.405.200 and shall not be included in

1 calculations of a district's average salary and associated salary  
2 limitations under RCW 28A.400.200.

3 (5) The bonuses provided under this section shall be paid in a  
4 lump sum amount."

**ESHB 2660** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED 03/05/2020**

5 On page 1, line 2 of the title, after "cost;" strike the  
6 remainder of the title and insert "amending RCW 28A.235.290,  
7 28A.150.260, and 28A.405.415; adding a new section to chapter 28A.235  
8 RCW; and creating a new section."

EFFECT: Refers to a definition of high poverty school in rule adopted by the Office of the Superintendent of Public Instruction for the purposes of the National Board Certified Teacher additional bonus for high poverty schools instead of referring to schools with at least 70 percent of students qualifying for free and reduced-price lunches.

--- END ---