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**HOUSE BILL 2073**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Volz, Paul, Rude, Kilduff, Harris, McCaslin, Steele, Ybarra, and Leavitt

Read first time 02/18/19. Referred to Committee on Appropriations.

1 AN ACT Relating to learning assistance program funding for high  
2 poverty schools; amending RCW 28A.150.260; and providing an effective  
3 date.

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

5 **Sec. 1.** RCW 28A.150.260 and 2018 c 266 s 101 are each amended to  
6 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

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

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

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

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

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

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

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

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

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

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

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 . . . . .	\$278.05
7	Library materials. . . . .	\$20.00
8	Instructional professional development for certificated and	
9	classified staff. . . . .	\$21.71
10	Facilities maintenance. . . . .	\$176.01
11	Security and central office administration. . . . .	\$121.94

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

18		Per annual average
19		full-time equivalent student
20		in grades 9-12
21	Technology. . . . .	\$36.35
22	Curriculum and textbooks. . . . .	\$39.02
23	Other supplies . . . . .	\$77.28
24	Library materials. . . . .	\$5.56
25	Instructional professional development for certificated and	
26	classified staff. . . . .	\$6.04

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

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

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

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

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

1 (a) (i) To provide supplemental instruction and services for  
2 students who are not meeting academic standards through the learning  
3 assistance program under RCW 28A.165.005 through 28A.165.065,  
4 allocations shall be based on the district percentage of students in  
5 grades K-12 who were eligible for free or reduced-price meals in the  
6 prior school year. The minimum allocation for the program shall  
7 provide for each level of prototypical school resources to provide,  
8 on a statewide average, 2.3975 hours per week in extra instruction  
9 with a class size of fifteen learning assistance program students per  
10 teacher.

11 (ii) (A) In addition to funding allocated under (a) (i) of this  
12 subsection, to provide supplemental instruction and services for  
13 students who are not meeting academic standards in qualifying  
14 schools. A qualifying school means a school in which the three-year  
15 rolling average of the prior year total annual average enrollment  
16 that qualifies for free or reduced-price meals as a percentage of its  
17 total average annual enrollment:

18 (I) Equals or exceeds fifty percent or more (~~of its total annual~~  
19 average enrollment), which qualifies for 1.1 hours of extra  
20 instruction as set forth under (a) (ii) (B) of this subsection;

21 (II) Equals or exceeds forty-seven and one-half percent and is  
22 less than fifty percent, which qualifies for 0.7 hours of extra  
23 instruction as set forth under (a) (ii) (B) of this subsection; or

24 (III) Equals or exceeds forty-five percent and is less than  
25 forty-seven and one-half percent, which qualifies for 0.4 hours of  
26 extra instruction as set forth under (a) (ii) (B) of this subsection.

27 (B) The minimum allocation for this additional high poverty-based  
28 allocation must provide for each level of prototypical school  
29 resources to provide, on a statewide average, ((1.1)) hours per week  
30 in extra instruction as set forth under (a) (ii) (A) of this subsection  
31 with a class size of fifteen learning assistance program students per  
32 teacher ((7)). Under RCW 28A.165.055, school districts must distribute  
33 the high poverty-based allocation to the schools that generated the  
34 funding allocation.

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

1 provide resources to provide, on a statewide average, 4.7780 hours  
2 per week in extra instruction for students in grades kindergarten  
3 through six and 6.7780 hours per week in extra instruction for  
4 students in grades seven through twelve, with fifteen transitional  
5 bilingual instruction program students per teacher. Notwithstanding  
6 other provisions of this subsection (10), the actual per-student  
7 allocation may be scaled to provide a larger allocation for students  
8 needing more intensive intervention and a commensurate reduced  
9 allocation for students needing less intensive intervention, as  
10 detailed in the omnibus appropriations act.

11 (ii) To provide supplemental instruction and services for  
12 students who have exited the transitional bilingual program,  
13 allocations shall be based on the head count number of students in  
14 each school who have exited the transitional bilingual program within  
15 the previous two years based on their performance on the English  
16 proficiency assessment and are eligible for and enrolled in the  
17 transitional bilingual instruction program under RCW  
18 28A.180.040(1)(g). The minimum allocation for each prototypical  
19 school shall provide resources to provide, on a statewide average,  
20 3.0 hours per week in extra instruction with fifteen exited students  
21 per teacher.

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

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

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



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

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

10 (b) In the event the legislature rejects the distribution formula  
11 recommended by the governor, without adopting a new distribution  
12 formula, the distribution formula for the previous school year shall  
13 remain in effect.

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

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

29 NEW SECTION. **Sec. 2.** This act takes effect September 1, 2019.

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