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**SUBSTITUTE HOUSE BILL 2108**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Callan, Stonier, Harris, Dolan, Sullivan, Valdez, Thai, Jenkin, and Morgan)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to state funding for K-3 class sizes in schools;  
2 amending RCW 28A.150.260; and creating a new section.

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

4 **Sec. 1.** RCW 28A.150.260 and 2018 c 266 s 101 are each amended to  
5 read as follows:

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

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

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

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

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

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

1 minimum allocations for small schools and to reflect other factors  
2 identified in the omnibus appropriations act.

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

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

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

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

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

	General education average class size
20	
21	
22	Grades K-3. . . . . 17.00
23	Grade 4. . . . . 27.00
24	Grades 5-6. . . . . 27.00
25	Grades 7-8. . . . . 28.53
26	Grades 9-12. . . . . 28.74

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

	Laboratory science average class size
36	
37	
38	Grades 9-12. . . . . 19.98

(b)(i) Beginning September 1, ((2019)) 2020, 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) 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 equals or exceeds  
17 fifty percent or more of its total annual average enrollment. The  
18 minimum allocation for this additional high poverty-based allocation  
19 must provide for each level of prototypical school resources to  
20 provide, on a statewide average, 1.1 hours per week in extra  
21 instruction with a class size of fifteen learning assistance program  
22 students per teacher, under RCW 28A.165.055, school districts must  
23 distribute the high poverty-based allocation to the schools that  
24 generated the funding allocation.

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

1 (ii) To provide supplemental instruction and services for  
2 students who have exited the transitional bilingual program,  
3 allocations shall be based on the head count number of students in  
4 each school who have exited the transitional bilingual program within  
5 the previous two years based on their performance on the English  
6 proficiency assessment and are eligible for and enrolled in the  
7 transitional bilingual instruction program under RCW  
8 28A.180.040(1)(g). The minimum allocation for each prototypical  
9 school shall provide resources to provide, on a statewide average,  
10 3.0 hours per week in extra instruction with fifteen exited students  
11 per teacher.

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

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

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

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

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

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



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

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

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

18 NEW SECTION. **Sec. 2.** If specific funding for the purposes of  
19 this act, referencing this act by bill or chapter number, is not  
20 provided by June 30, 2019, in the omnibus appropriations act, this  
21 act is null and void.

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