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**HOUSE BILL 1415**

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**State of Washington**                      **67th Legislature**                      **2021 Regular Session**

**By** Representatives Paul, Dufault, Santos, Riccelli, and Pollet

Read first time 01/28/21. Referred to Committee on Appropriations.

1            AN ACT Relating to skill center class size; reenacting and  
2 amending RCW 28A.150.260; and providing an effective date.

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

4            **Sec. 1.** RCW 28A.150.260 and 2020 c 288 s 4 and 2020 c 61 s 4 are  
5 each reenacted and amended to 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 report this information in a user-friendly format  
12 on the main page of the office's web site. School districts must  
13 include a link to the superintendent's per-pupil allocations report  
14 on the main page of the school district's web site. In addition, the  
15 budget documents published by the legislature for the enacted omnibus  
16 operating appropriations act must report statewide average per-pupil  
17 allocations for general apportionment and the categorical programs  
18 listed in this subsection.

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

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

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

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

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

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

	General education average class size
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
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,

1 and proportionate to, the school district's demonstrated actual class  
 2 size in grades K-3, up to the funded class sizes.

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

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

	Career and technical education average class size
9	
10	
11	
12	Approved career and technical education offered at
13	the middle school and high school level. . . . . 23.00
14	Skill center programs meeting the standards established
15	by the office of the superintendent of public
16	instruction. . . . . ((20.00)) <u>16.67</u>

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

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

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

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

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

	Elementary	Middle	High
	School	School	School
29			
30			
31			
32	Principals, assistant principals, and other certificated building-level		
33	administrators. . . . .	1.253	1.353
34	Teacher-librarians, a function that includes information literacy, technology,		
35	and media to support school library media programs. . . . .	0.663	0.519
36	Health and social services:		
37	School nurses. . . . .	0.076	0.060
	Social workers. . . . .	0.042	0.015

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

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

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

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

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

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

34		Per annual average
35		full-time equivalent student
36		in grades K-12

1	Technology. . . . .	\$130.76
2	Utilities and insurance. . . . .	\$355.30
3	Curriculum and textbooks. . . . .	\$140.39
4	Other supplies . . . . .	\$278.05
5	Library materials. . . . .	\$20.00
6	Instructional professional development for certificated and	
7	classified staff. . . . .	\$21.71
8	Facilities maintenance. . . . .	\$176.01
9	Security and central office administration. . . . .	\$121.94

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

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

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

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

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

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

1 assistance program under RCW 28A.165.005 through 28A.165.065,  
2 allocations shall be based on the greater of either: The district  
3 percentage of students in kindergarten through grade twelve who were  
4 eligible for free or reduced-price meals for the school year  
5 immediately preceding the district's participation, in whole or part,  
6 in the United States department of agriculture's community  
7 eligibility provision, or the district percentage of students in  
8 grades K-12 who were eligible for free or reduced-price meals in the  
9 prior school year. The minimum allocation for the program shall  
10 provide for each level of prototypical school resources to provide,  
11 on a statewide average, 2.3975 hours per week in extra instruction  
12 with a class size of fifteen learning assistance program students per  
13 teacher.

14 (ii) In addition to funding allocated under (a)(i) of this  
15 subsection, to provide supplemental instruction and services for  
16 students who are not meeting academic standards in qualifying  
17 schools. A qualifying school means a school in which the three-year  
18 rolling average of the prior year total annual average enrollment  
19 that qualifies for free or reduced-price meals equals or exceeds  
20 fifty percent or more of its total annual average enrollment. A  
21 school continues to meet the definition of a qualifying school if the  
22 school: Participates in the United States department of agriculture's  
23 community eligibility provision; and met the definition of a  
24 qualifying school in the year immediately preceding their  
25 participation. The minimum allocation for this additional high  
26 poverty-based allocation must provide for each level of prototypical  
27 school resources to provide, on a statewide average, 1.1 hours per  
28 week in extra instruction with a class size of fifteen learning  
29 assistance program students per teacher, under RCW 28A.165.055,  
30 school districts must distribute the high poverty-based allocation to  
31 the schools that generated the funding allocation.

32 (b)(i) To provide supplemental instruction and services for  
33 students whose primary language is other than English, allocations  
34 shall be based on the head count number of students in each school  
35 who are eligible for and enrolled in the transitional bilingual  
36 instruction program under RCW 28A.180.010 through 28A.180.080. The  
37 minimum allocation for each level of prototypical school shall  
38 provide resources to provide, on a statewide average, 4.7780 hours  
39 per week in extra instruction for students in grades kindergarten  
40 through six and 6.7780 hours per week in extra instruction for

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

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

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

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

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

37 (b) Allocations or enhancements provided under subsections (4),  
38 (7), and (9) of this section for exploratory and preparatory career  
39 and technical education courses shall be provided only for courses



1 approved by the office of the superintendent of public instruction  
2 under chapter 28A.700 RCW.

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

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

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

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

26 NEW SECTION. **Sec. 2.** This act takes effect September 1, 2021.

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