
SENATE BILL 5442

State of Washington

67th Legislature

2021 Regular Session

By Senators Van De Wege and Carlyle

1 AN ACT Relating to the funding of salaries of school district
2 superintendents; amending RCW 28A.330.100; reenacting and amending
3 RCW 28A.150.260; and adding a new section to chapter 28A.330 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.330
6 RCW to read as follows:

7 (1) In fixing the salary of a superintendent of schools of a
8 district under RCW 28A.330.100(1), a school district board of
9 directors may not allocate state funds apportioned under RCW
10 28A.150.260 for any portion of a superintendent's salary above the
11 annual salary amount provided for the governor under RCW 43.03.011.

12 (2) The limitations created in this section only apply to
13 contracts entered into or renewed after the effective date of this
14 section.

15 **Sec. 2.** RCW 28A.330.100 and 2006 c 263 s 417 are each amended to
16 read as follows:

17 Every board of directors of a school district of the first class,
18 in addition to the general powers for directors enumerated in this
19 title, shall have the power:

1 (1) To employ for a term of not exceeding three years a
2 superintendent of schools of the district, and for cause to dismiss
3 him or her, and, subject to the limitations provided under section 1
4 of this act, to fix his or her duties and compensation;

5 (2) To employ, and for cause dismiss one or more assistant
6 superintendents and to define their duties and fix their
7 compensation;

8 (3) To employ a business manager, attorneys, architects,
9 inspectors of construction, superintendents of buildings and a
10 superintendent of supplies, all of whom shall serve at the board's
11 pleasure, and to prescribe their duties and fix their compensation;

12 (4) To employ, and for cause dismiss, supervisors of instruction
13 and to define their duties and fix their compensation;

14 (5) To prescribe a course of study and a program of exercises
15 which shall be consistent with the course of study prepared by the
16 superintendent of public instruction for the use of the common
17 schools of this state;

18 (6) To, in addition to the minimum requirements imposed by this
19 title establish and maintain such grades and departments, including
20 night, high, kindergarten, vocational training and, except as
21 otherwise provided by law, industrial schools, and schools and
22 departments for the education and training of any class or classes of
23 youth with disabilities, as in the judgment of the board, best shall
24 promote the interests of education in the district;

25 (7) To determine the length of time over and above one hundred
26 eighty days that school shall be maintained: PROVIDED, That for
27 purposes of apportionment no district shall be credited with more
28 than one hundred and eighty-three days' attendance in any school
29 year; and to fix the time for annual opening and closing of schools
30 and for the daily dismissal of pupils before the regular time for
31 closing schools;

32 (8) To maintain a shop and repair department, and to employ, and
33 for cause dismiss, a foreman and the necessary help for the
34 maintenance and conduct thereof;

35 (9) To provide free textbooks and supplies for all children
36 attending school;

37 (10) To require of the officers or employees of the district to
38 give a bond for the honest performance of their duties in such penal
39 sum as may be fixed by the board with good and sufficient surety, and
40 to cause the premium for all bonds required of all such officers or

1 employees to be paid by the district: PROVIDED, That the board may,
2 by written policy, allow that such bonds may include a deductible
3 proviso not to exceed two percent of the officer's or employee's
4 annual salary;

5 (11) To prohibit all secret fraternities and sororities among the
6 students in any of the schools of the said districts; and

7 (12) To appoint a practicing physician, resident of the school
8 district, who shall be known as the school district medical
9 inspector, and whose duty it shall be to decide for the board of
10 directors all questions of sanitation and health affecting the safety
11 and welfare of the public schools of the district who shall serve at
12 the board's pleasure: PROVIDED, That children shall not be required
13 to submit to vaccination against the will of their parents or
14 guardian.

15 **Sec. 3.** RCW 28A.150.260 and 2020 c 288 s 4 and 2020 c 61 s 4 are
16 each reenacted and amended to read as follows:

17 The purpose of this section is to provide for the allocation of
18 state funding that the legislature deems necessary to support school
19 districts in offering the minimum instructional program of basic
20 education under RCW 28A.150.220. The allocation shall be determined
21 as follows:

22 (1) The governor shall and the superintendent of public
23 instruction may recommend to the legislature a formula for the
24 distribution of a basic education instructional allocation for each
25 common school district.

26 (2)(a) The distribution formula under this section shall be for
27 allocation purposes only. Except as may be required under subsections
28 (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165,
29 28A.180, or 28A.185 RCW, section 1 of this act, or federal laws and
30 regulations, nothing in this section requires school districts to use
31 basic education instructional funds to implement a particular
32 instructional approach or service. Nothing in this section requires
33 school districts to maintain a particular classroom teacher-to-
34 student ratio or other staff-to-student ratio or to use allocated
35 funds to pay for particular types or classifications of staff.
36 Nothing in this section entitles an individual teacher to a
37 particular teacher planning period.

38 (b) To promote transparency in state funding allocations, the
39 superintendent of public instruction must report state per-pupil

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

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

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

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

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

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

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

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

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

	Laboratory science average class size
27 Grades 9-12.	19.98

28
29
30 (b) (i) Beginning September 1, 2019, funding for average K-3 class
31 sizes in this subsection (4) may be provided only to the extent of,
32 and proportionate to, the school district's demonstrated actual class
33 size in grades K-3, up to the funded class sizes.

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

36 (c) (i) The minimum allocation for each prototypical middle and
37 high school shall also provide for full-time equivalent classroom

1 teachers based on the following number of full-time equivalent
 2 students per teacher in career and technical education:

3		Career and technical
4		education average
5		class size
6	Approved career and technical education offered at	
7	the middle school and high school level.	23.00
8	Skill center programs meeting the standards established	
9	by the office of the superintendent of public	
10	instruction.	20.00

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

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

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

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

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

23		Elementary	Middle	High
24		School	School	School
25	Principals, assistant principals, and other certificated building-level			
26	administrators.	1.253	1.353	1.880
27	Teacher-librarians, a function that includes information literacy, technology,			
28	and media to support school library media programs.	0.663	0.519	0.523
29	Health and social services:			
30	School nurses.	0.076	0.060	0.096
31	Social workers.	0.042	0.006	0.015
32	Psychologists.	0.017	0.002	0.007
33	Guidance counselors, a function that includes parent outreach and graduation			
34	advising.	0.493	1.216	2.539
35	Teaching assistance, including any aspect of educational instructional services			
36	provided by classified employees.	0.936	0.700	0.652

1	Office support and other noninstructional aides.	2.012	2.325	3.269
2	Custodians.	1.657	1.942	2.965
3	Classified staff providing student and staff safety.	0.079	0.092	0.141
4	Parent involvement coordinators.	0.0825	0.00	0.00

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

9			Staff per 1,000	
10			K-12 students	
11	Technology.			0.628
12	Facilities, maintenance, and grounds.			1.813
13	Warehouse, laborers, and mechanics.			0.332

14 (b) The minimum allocation of staff units for each school
15 district to support certificated and classified staffing of central
16 administration shall be 5.30 percent of the staff units generated
17 under subsections (4) (a) and (5) of this section and (a) of this
18 subsection.

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

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

29			Per annual average	
30			full-time equivalent student	
31			in grades K-12	
32	Technology.			\$130.76
33	Utilities and insurance.			\$355.30
34	Curriculum and textbooks.			\$140.39
35	Other supplies			\$278.05
36	Library materials.			\$20.00
37	Instructional professional development for certificated and			

1	classified staff.	\$21.71
2	Facilities maintenance.	\$176.01
3	Security and central office administration.	\$121.94

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

	Per annual average full-time equivalent student in grades 9-12
10	
11	
12	
13	Technology. \$36.35
14	Curriculum and textbooks. \$39.02
15	Other supplies \$77.28
16	Library materials. \$5.56
17	Instructional professional development for certificated and
18	classified staff. \$6.04

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

- 23 (a) Exploratory career and technical education courses for
- 24 students in grades seven through twelve;
- 25 (b) Preparatory career and technical education courses for
- 26 students in grades nine through twelve offered in a high school; and
- 27 (c) Preparatory career and technical education courses for
- 28 students in grades eleven and twelve offered through a skill center.

29 (10) In addition to the allocations otherwise provided under this
30 section, amounts shall be provided to support the following programs
31 and services:

32 (a)(i) To provide supplemental instruction and services for
33 students who are not meeting academic standards through the learning
34 assistance program under RCW 28A.165.005 through 28A.165.065,
35 allocations shall be based on the greater of either: The district
36 percentage of students in kindergarten through grade twelve who were
37 eligible for free or reduced-price meals for the school year
38 immediately preceding the district's participation, in whole or part,
39 in the United States department of agriculture's community

1 eligibility provision, or the district percentage of students in
2 grades K-12 who were eligible for free or reduced-price meals in the
3 prior school year. The minimum allocation for the program shall
4 provide for each level of prototypical school resources to provide,
5 on a statewide average, 2.3975 hours per week in extra instruction
6 with a class size of fifteen learning assistance program students per
7 teacher.

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

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

1 allocation for students needing less intensive intervention, as
2 detailed in the omnibus appropriations act.

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

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

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

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

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

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

1 (b) In the event the legislature rejects the distribution formula
2 recommended by the governor, without adopting a new distribution
3 formula, the distribution formula for the previous school year shall
4 remain in effect.

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

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

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