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**SENATE BILL 5966**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators C. Wilson, Wellman, Hasegawa, Hunt, Kuderer, Nobles, Trudeau, and Valdez

AN ACT Relating to restraint or isolation of students in public schools and educational programs; amending RCW 28A.600.485, 28A.600.486, 28A.155.210, 28A.150.260, and 28A.400.007; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; providing an effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.600 RCW to read as follows:

The definitions in this section apply throughout RCW 28A.600.485, 28A.600.486, 28A.155.210, 28A.150.260, 28A.400.007, and sections 4 through 7 of this act unless the context clearly requires otherwise.

(1) "Calming space" means an area, space, or room that provides a student with an opportunity for self-calming, where the student is separated from others for a limited period, in a setting that is staff-monitored and from which the student may leave at any time. Use of a calming space could be at the recommendation of staff or self-initiated by the student.

(2) "Chemical restraint" means a drug or chemical administered by staff to a student to control the student's behavior or restrict the student's freedom of movement that is not: (a) Prescribed by a licensed health professional acting within the scope of the practice of that health profession for the standard treatment of a student's medical or psychiatric condition; (b) administered by a licensed health professional acting within the scope of the practice of that health profession; or (c) administered in accordance with the student's medical or psychiatric treatment plan.

(3) "Educational service" means instruction and other activities delivered or sponsored by a school district or other provider of public educational services, for example: General education services; special education services; medical services; safety and security services; transportation services; and any developmental, corrective, or other supportive services necessary for a student eligible for special education services to benefit from special education services.

(4) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(5) "Isolation," also known as seclusion, means the involuntary separation of a student from other students, by staff, in an enclosed area, whether within or outside a classroom, and from which the student is not free to leave. "Isolation" does not include (a) a student spending time away from the classroom in a calming space, (b) a room clear, or (c) a removable partition within a classroom for the purpose of temporarily separating a student from the rest of the classroom for a short period of time in order to promote and maintain an environment conducive to learning for all students in the classroom and which still allows the student to be in the line of sight of staff in the classroom.

(6) "Likelihood of serious harm" means a substantial risk that harm will be inflicted by the student upon the student's own person, as evidenced by threats or attempts to commit suicide, or inflict harm on oneself; or harm will be inflicted by the student upon another, as evidenced by behavior that places another person or persons in reasonable fear of sustaining such harm.

(7) "Mechanical restraint" means staff use of a device to restrict a student's freedom of movement. "Mechanical restraint" does not include a device used by staff or a student: (a) As prescribed by a licensed health professional acting within the scope of the practice of that health profession; (b) as documented in a student's individualized education program under part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. or a student's plan developed under section 504 of the rehabilitation act of 1973; or (c) for a specific therapeutic, orthopedic, or medical purpose, when used for its designed purpose. "Mechanical restraint" also does not include the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(8) "Physical escort" means the temporary touching or holding of a student's hand, wrist, arm, shoulder, or back by staff for the purpose of directing the student to a safe or otherwise appropriate location.

(9) "Physical prompt" means a teaching technique used by staff that involves voluntary physical contact with a student for the purpose of enabling the student to learn or model the physical movement necessary for the development of a desired competency.

(10) "Physical restraint" means physical contact by one or more staff that immobilizes or reduces the ability of a student to move the student's arms, legs, torso, or head freely. "Physical restraint" does not include chemical restraint, mechanical restraint, physical escort, or physical prompt.

(11) "Provider of public educational services" means any entity that directly operates, or provides educational services under contract to, an elementary or secondary school program that receives public funds from the office of the superintendent of public instruction. "Provider of public educational services" includes a school district, a public school as defined in RCW 28A.150.010, an educational service district, an institutional education provider as defined in RCW 28A.190.005, a public agency or private entity providing educational services under contract with any other provider of public educational services, an authorized entity as defined in RCW 28A.300.690, and any providers of services in accordance with part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. In addition, "provider of public educational services" includes the state school for the blind and the Washington center for deaf and hard of hearing youth established under RCW 72.40.010.

(12) "Restraint" includes chemical restraint, mechanical restraint, and physical restraint.

(13) "Room clear" means the procedure used by staff in an emergency to direct all students, except for any students causing the emergency, to leave a room.

(14) "Staff" means an employee or contractor of a school district or other provider of public educational services. "Staff" does not include licensed or certified health professionals of inpatient health care facilities.

(15) "Students" means children and youth served by a school district or other provider of public educational services.

**Sec.**  RCW 28A.600.485 and 2015 c 206 s 3 are each amended to read as follows:

(1) ((~~The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Isolation" means restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.~~

~~(b) "Restraint" means physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.~~

~~(c) "Restraint device" means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers, or batons. Restraint device does not mean a seat harness used to safely transport students. This section shall not be construed as encouraging the use of these devices.~~

~~(2)~~)) The provisions of this section apply to all students, including those who have an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. The provisions of this section apply only to incidents of restraint or isolation that occur while a student is ((~~participating in school-sponsored instruction or activities~~)) receiving educational services.

((~~(3)(a)~~)) (2) An individualized education program or plan developed under section 504 of the rehabilitation act of 1973 must not include the use of restraint or isolation as a planned behavior intervention unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees. All other plans may refer to the district policy developed under ((~~subsection (3)(b) of this section~~)) RCW 28A.600.486. Nothing in this section is intended to limit the provision of a free appropriate public education under Part B of the federal individuals with disabilities education improvement act or section 504 of the federal rehabilitation act of 1973.

((~~(b) Restraint or isolation of any student is permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm, as defined in RCW 70.96B.010. Restraint or isolation must be closely monitored to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated. Each school district shall adopt a policy providing for the least amount of restraint or isolation appropriate to protect the safety of students and staff under such circumstances.~~

~~(4)~~)) (3) The staff of any school district or other provider of public educational services may not subject any student to the following during the provision of educational services:

(a) Corporal punishment as prohibited by RCW 28A.150.300;

(b) Chemical restraint;

(c) Mechanical restraint;

(d) Physical restraint or physical escort that is life-threatening, restricts breathing, or restricts blood flow to the brain, including prone, supine, and wall restraints;

(e) Isolation or physical restraint that is contraindicated based on the student's disability or health care needs or medical or psychiatric condition as documented in:

(i) A health care directive or medical management plan;

(ii) An individualized education program under part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.; or

(iii) A plan developed under section 504 of the federal rehabilitation act of 1973; and

(f) Noxious spray and other aversive intervention as prohibited in rule of the office of the superintendent of public instruction.

(4) Except as provided in subsection (5) of this section, the staff of any school district or other provider of public educational services may use physical restraint or isolation during the provision of educational services only when:

(a) The restraint or isolation of the student is closely monitored and ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others;

(b) The least amount of force necessary is used to protect the student or another person from an imminent likelihood of serious harm to the student or to others;

(c) Staff reasonably believes the student's behavior poses an imminent likelihood of serious harm to the student or to others; and

(d) Staff reasonably believes that less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others.

(5) The staff of any school district or other provider of public educational services may use a temporary physical restraint during the provision of educational services when:

(a) The restraint is used to interrupt a student's impulsive behavior that threatens the student's immediate safety or safety of others; or

(b) The restraint is used to protect oneself or another from an assault, injury, or sexual contact and involves the minimum physical contact necessary for protection.

(6) Following the release of a student from the use of restraint or isolation, the school or other provider of public educational services must implement follow-up procedures. These procedures must include: (a) Reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and (b) reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.

((~~(5) Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible,~~)) (7) Any staff, including safety and security staff as defined in RCW 28A.320.124, who uses restraint or isolation on a student who is receiving educational services must inform the principal, other building administrator, or designee, of the provider of public educational services immediately following the release of the student from restraint or isolation and within two business days submit a written report of the incident to the ((~~district office~~)) incident review team as described in section 4 of this act and the school district superintendent or other chief administrator of the provider of public educational services. The written report must include, at a minimum, the following information:

(a) The date ((~~and~~)) time, duration, and location of the incident;

(b) The name and job title of the individuals who ((~~administered~~)) used or directed the use of the restraint or isolation and any staff who observed the incident;

(c) A description of the ((~~activity that led to the restraint or isolation~~)) relevant events that occurred before, during, and after the incident, including any less restrictive interventions attempted, including any de-escalation attempts;

(d) The type of restraint or isolation used on the student((~~, including the duration~~));

(e) ((~~Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and~~

~~(f)~~)) Any known physical injuries or psychological trauma experienced by the student or staff due to the incident, including whether medical care was sought or received, and whether staff requested or used leave benefits;

(f) Whether the student who was isolated or restrained has an individualized education program and, if so, whether the program or plan was followed; and

(g) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

((~~(6) The principal or principal's designee~~)) (8) The principal, other building administrator, or designee, of the provider of public educational services must make a reasonable effort to verbally inform the student's parent or guardian within ((~~twenty-four~~)) 24 hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language.

((~~(7)(a) Beginning January 1, 2016, and by January 1st annually~~)) (9)(a) Annually, by January 1st, each school district superintendent or chief administrator of a provider of public educational services shall summarize the written reports received under subsection ((~~(5)~~)) (7) of this section and submit the summaries to the office of the superintendent of public instruction. For each school, the school district or other provider of public educational services shall include the number of individual incidents of restraint and isolation, the number of students involved in the incidents, the number of injuries to students and staff, and the types of restraint or isolation used. The summaries submitted must be disaggregated for purposes of trend analyses, for example, by the student categories and subcategories provided under RCW 28A.300.042 (1) and (3), student gender, students who are dependent pursuant to chapter 13.34 RCW, students who are homeless as defined in RCW 43.330.702, students who are multilingual/English learners, status as a student with a parent who is a member of the armed forces, by school or other applicable unit, by staff job title, by contractor, and by incident type.

(b) No later than ((~~ninety~~)) 90 days after receipt, the office of the superintendent of public instruction shall publish to its website the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.

(10) Neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to the use of restraint or isolation that is prohibited under this section. In accordance with section 1 (2) and (7) of this act, this subsection does not apply to chemical restraint or mechanical restraint that is prescribed or administered as it relates to a student's health or is documented in a student's individualized education program or a student's 504 plan.

(11) Nothing in this section prohibits a school resource officer as defined in RCW 28A.320.124 from carrying out the lawful duties of a commissioned law enforcement officer.

**Sec.**  RCW 28A.600.486 and 2013 c 202 s 4 are each amended to read as follows:

(1) Each school district board of directors or other governing body of a provider of public educational services shall adopt a student restraint and isolation policy and procedures that:

(a) Meets the requirements of this section and RCW 28A.600.485 and section 4 of this act; and

(b) Ensures that following a student's release from restraint or isolation, the student is provided with an opportunity to meet with a counselor, nurse, psychologist, or social worker no later than three days after the incident to reflect, process, and recover.

(2) The school district board of directors or other governing body of a provider of public educational services shall review and revise, as necessary, its student restraint and isolation policy and procedures with input from staff, students, students' families, advocacy organizations, and other appropriate members of the community.

(3) On an annual basis, the school district board of directors or other governing body of a provider of public educational services shall monitor the impact of the policy and procedures adopted under this section by, at a minimum: (a) Performing trend analyses using the summary of incident reports prepared by the school district superintendent; and (b) reviewing the professional development plan and updates prepared under section 6 of this act.

(4) Beginning in the 2026-27 school year, each member of a school district board of directors or other governing body of a provider of public educational services shall complete the training program on student restraint and isolation developed under section 5 of this act. Members of a school district board of directors must complete the training program at least once during every four-year term.

(5) Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the ((~~district policy on the use of isolation and restraint~~)) policy and procedures adopted in accordance with this section at the time that the program or plan is created.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.600 RCW to read as follows:

(1) Each school district or provider of public educational services shall develop an incident review process that must be completed after each incident of restraint or isolation. This process must be included in the policy and procedures adopted under RCW 28A.600.486. The purpose of this process is to improve future processes and develop appropriate supports for staff and not intended to be used for disciplinary purposes.

(2) The incident review process must include the following, at a minimum:

(a) Establishment of an incident review team of staff to review every incident of restraint or isolation using a systems improvement approach that focuses on supporting staff to use less restrictive interventions as alternatives to restraint and isolation;

(b) A requirement that the student and student's parent or legal guardian is provided an opportunity within five business days of submission of the incident report to review and discuss the incident and the relevant events that occurred before, during, and after the incident with the principal, other building administrator, or designee, of the provider of public educational services;

(c) A process for the parents or legal guardians of the student to submit written comments to the incident review team;

(d) A requirement that the staff who used, or directed the use of, restraint or isolation meets with the incident review team in order to:

(i) Have an opportunity to reflect, process, and recover;

(ii) Determine whether the proper process was followed; and

(iii) Identify additional training, coaching, assistance, or other strategies that may support the staff who used, or directed the use of, restraint or isolation to use less restrictive interventions in similar situations in the future; and

(e) A requirement that the review team consider whether further support services should be made available to the student.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) By July 1, 2026, the office of the superintendent of public instruction shall make available a sample professional development plan and technical assistance manual to meet the requirements in section 6 of this act. The office of the superintendent of public instruction shall, to the extent it is available, use data gathered from the demonstration projects authorized in section 501(4)(mm), chapter 475, Laws of 2023. The plan shall include a recommended timeline for district implementation of professional development for all educational and support services staff and must include a list of available programs and resources for professional development on the following topics:

(a) State law related to restraint and isolation including the policy and procedures requirements of RCW 28A.600.486;

(b) Evidence-based, trauma-informed, student-centered, proactive crisis prevention and intervention practices that are less restrictive than restraint and isolation, such as de-escalation strategies and corresponding classroom management techniques;

(c) Evidence-based, trauma-informed, behavioral health supports for students and staff that include restorative practices; and

(d) Evidence-based, systemic approaches to eliminating the use of prohibited restraint and isolation under RCW 28A.600.485(3), to reduce the use of restraint and isolation permitted under RCW 28A.600.485(4), and to eliminate disparities in the use of restraint and isolation, such as multitiered systems of support and universal design for learning.

(2) By July 1, 2025, the office of the superintendent of public instruction shall develop and periodically update a training program on student restraint and isolation for school district boards of directors to meet the requirements in RCW 28A.600.486.

(a) At a minimum, the training program required under this subsection must include the following content:

(i) The legal prohibitions and limitations on the use of restraint and isolation on students provided under RCW 28A.600.485;

(ii) The social-emotional and physical impacts to students and staff resulting from the use of restraint and isolation rather than trauma-informed interventions, such as de-escalation strategies and student-centered, restorative practices;

(iii) Options for supporting system improvement by reprioritizing resources; and

(iv) Best practices for developing a professional development plan that meets the requirements of this section.

(b) The training program must be developed and updated in partnership with the Washington state school directors' association.

(c) The training program must be made available at no cost to school district boards of directors, the governing bodies of other providers of public educational services, and the Washington state school directors' association.

(3) The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this section and sections 1, 4, and 6 of this act and RCW 28A.600.485 and 28A.600.486.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.600 RCW to read as follows:

(1) Beginning August 1, 2027, each school district board of directors or other governing body of a provider of public educational services shall adopt an all-staff professional development plan and timeline for building a school-level and district-level educational system that supports students in distress and helps prevent crisis escalation cycles that may result in use of restraint or isolation.

(a) The professional development plan must be submitted to the office of the superintendent of public instruction and shall provide updates on the implementation of its plan annually through August 31, 2032.

(b) The plan and any updates must describe the professional development that will be provided to staff during the following school year. Any professional development programs and resources provided to staff must be selected from the list developed by the office of the superintendent of public instruction under section 5 of this act.

(2) When a school district or other provider of public educational services is not making sufficient progress towards the goals established in its professional development plan submitted under this section or when disparities in use of restraint or isolation are identified in a district's incident report data submitted under RCW 28A.600.485, the office of the superintendent of public instruction shall place the school district or other provider of public educational services on a plan of improvement. Under a plan of improvement, the office of the superintendent of public instruction shall provide targeted technical assistance, including annual site visits, until the school district or other provider of public educational services meets its professional development plan goals, or eliminates disparities in the use of restraint or isolation, or both.

(3) Beginning November 1, 2027, and each November of every odd-numbered year through November 2033, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature with a summary of its activities to monitor and support the compliance with requirements related to restraint and isolation. The report must describe the progress that has been made towards providing professional development to staff. The report must also highlight exemplar school districts and other providers of public educational services using best practices to eliminate the use of restraint and isolation.

NEW SECTION. **Sec.**  (1) By December 1, 2025, and in compliance with RCW 43.01.036, the Washington professional educator standards board and the paraeducator board must jointly submit to the appropriate committees of the legislature a plan for integrating into educator preparation programs and paraeducator certificate requirements instruction requirements related to student restraint and isolation under this act and instruction in de-escalation and positive behavioral intervention strategies that educators can use in the classroom to help prevent the need to use restraint and isolation.

(2) This section expires June 30, 2026.

**Sec.**  RCW 28A.155.210 and 2023 c 436 s 7 are each amended to read as follows:

(1) A student's individualized education program must include procedures for notification of, and incident review with, a parent or legal guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is placed in an authorized entity under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the authorized entity fully complies with RCW 28A.600.485.

(2) Parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 must be provided a copy of the policy and procedures in accordance with RCW 28A.600.486.

**Sec.**  RCW 28A.150.260 and 2023 c 379 s 6 are each amended to read as follows:

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

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

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must report this information in a user-friendly format on the main page of the office's website. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's website. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors 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 600 average annual full-time equivalent students in grades nine through 12;

(ii) A prototypical middle school has 432 average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has 400 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 12 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, 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 19.00

(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 50 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)(a) 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 |
| ((~~Teaching assistance~~)) Paraeducators, including any aspect of educational instructional services provided by classified employees  | ((~~0.936~~)) 1.292 | ((~~0.700~~)) 0.800 | ((~~0.652~~)) 0.768 |
| Office support and other noninstructional aides  | 2.012 | 2.325 | 3.269 |
| Custodians  | 1.657 | 1.942 | 2.965 |
| Nurses  | 0.585 | 0.888 | 0.824 |
| Social workers  | 0.311 | 0.088 | 0.127 |
| Psychologists  | 0.104 | 0.024 | 0.049 |
| Counselors  | 0.993 | 1.716 | 3.039 |
| Classified staff providing student and staff safety  | 0.079 | 0.092 | 0.141 |
| Parent involvement coordinators  | 0.0825 | 0.00 | 0.00 |

(b)(i) The superintendent may only allocate funding, up to the combined minimum allocations, for nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, and parent involvement coordinators under (a) of this subsection to the extent of and proportionate to a school district's demonstrated actual ratios of: Full-time equivalent physical, social, and emotional support staff to full-time equivalent students.

(ii) The superintendent must adopt rules to implement this subsection (5)(b) and the rules must require school districts to prioritize funding allocated as required by (b)(i) of this subsection for physical, social, and emotional support staff who hold a valid educational staff associate certificate appropriate for the staff's role.

(iii) For the purposes of this subsection (5)(b), "physical, social, and emotional support staff" include nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students as defined by the superintendent.

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

Staff per 1,000

K-12 students

Technology 0.628

Facilities, maintenance, and grounds 1.813

Warehouse, laborers, and mechanics 0.332

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

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

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

Per annual average

full-time equivalent student

in grades K-12

Technology $130.76

Utilities and insurance $355.30

Curriculum and textbooks $140.39

Other supplies $278.05

Library materials $20.00

Instructional professional development for certificated and

classified staff $21.71

Facilities maintenance $176.01

Security and central office administration $121.94

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

Per annual average

full-time equivalent student

in grades 9-12

Technology $36.35

Curriculum and textbooks $39.02

Other supplies $77.28

Library materials $5.56

Instructional professional development for certificated and

classified staff $6.04

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

(a) Exploratory career and technical education courses for students in grades seven through 12;

(b) Preparatory career and technical education courses for students in grades nine through 12 offered in a high school; and

(c) Preparatory career and technical education courses for students in grades 11 and 12 offered through a skill center.

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

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade 12 who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall, except as provided in (a)(iii) of this subsection, provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of 15 learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school, except as provided in (a)(iv) of this subsection, means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds 50 percent or more of its total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of 15 learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(iii) For the 2024-25 and 2025-26 school years, allocations under (a)(i) of this subsection for school districts providing meals at no charge to students under RCW 28A.235.135 that are not participating, in whole or in part, in the United States department of agriculture's community eligibility provision shall be based on the school district percentage of students in grades K-12 who were eligible for free or reduced-price meals in school years 2019-20 through 2022-23 or the prior school year, whichever is greatest.

(iv) For the 2024-25 and 2025-26 school years, a school providing meals at no charge to students under RCW 28A.235.135 that is not participating in the department of agriculture's community eligibility provision continues to meet the definition of a qualifying school under (a)(ii) of this subsection if the school met the definition during one year of the 2019-20 through 2022-23 school years, or in the prior school year.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through 12, with 15 transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 28A.400.007 and 2022 c 109 s 5 are each amended to read as follows:

(1) In addition to the staffing units in RCW 28A.150.260, the superintendent of public instruction must provide school districts with allocations for the following staff units if and to the extent that funding is specifically appropriated and designated for that category of staffing unit in the omnibus operating appropriations act.

(a) Additional staffing units for each level of prototypical school in RCW 28A.150.260:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Elementary School | Middle School | High School |
| Principals, assistant principals, and other certificated building-level administrators  | 0.0470 | 0.0470 | 0.0200 |
| Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs  | 0.3370 | 0.4810 | 0.4770 |
| ((~~Teaching assistance~~)) Paraeducators, including any aspect of educational instructional services provided by classified employees  | ((~~1.0640~~)) 0.7080 | ((~~0.3000~~)) 0.2000 | ((~~0.3480~~)) 0.2320 |
| Office support and other noninstructional aides  | 0.9880 | 1.1750 | 0.2310 |
| Custodians  | 0.0430 | 0.0580 | 0.0350 |
| Classified staff providing student and staff safety  | 0.0000 | 0.6080 | 1.1590 |
| Parent involvement coordinators  | 0.9175 | 1.0000 | 1.0000 |

(b) Additional certificated instructional staff units sufficient to achieve the following reductions in class size in each level of prototypical school under RCW 28A.150.260:

General education

certificated instructional

staff units sufficient to

achieve class size reduction of:

Grades K-3 class size 0.00

Grade 4 2.00

Grades 5-6 2.00

Grades 7-8 3.53

Grades 9-12 3.74

CTE 4.00

Skills 3.00

High poverty

certificated instructional

staff units sufficient to

achieve class size reduction of:

Grades K-3 class size 2.00

Grade 4 5.00

Grades 5-6 4.00

Grades 7-8 5.53

Grades 9-12 5.74

(2) The staffing units in subsection (1) of this section are an enrichment to and are beyond the state's statutory program of basic education in RCW 28A.150.220 and 28A.150.260. However, if and to the extent that any of these additional staffing units are funded by specific reference to this section in the omnibus operating appropriations act, those units become part of prototypical school funding formulas and a component of the state funding that the legislature deems necessary to support school districts in offering the statutory program of basic education under Article IX, section 1 of the state Constitution.

NEW SECTION. **Sec.**  Sections 9 and 10 of this act take effect September 1, 2024.

**--- END ---**