

2SSB 5882 - H COMM AMD

By Committee on Appropriations

ADOPTED AND ENGROSSED 02/29/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Youth mental and behavioral health has
4 been a rising crisis for a decade. As youth grapple with new
5 pressures from social media and impacts of a pandemic, their needs
6 can manifest as disruptive behaviors in the school environment.
7 Teachers, counselors, administrators, and education support
8 professionals have identified the need to have more caring and
9 committed education staff in schools to meet the needs of students.

10 Education support professionals are vital team members in a
11 school and often directly support students. Educational staff
12 professionals drive students safely to school, provide one-on-one
13 individualized instruction for special education students, run small
14 group instruction for English language learners and for students
15 struggling with certain academic concepts, supervise and monitor
16 students before and after school, at lunch, and during recess,
17 provide physical and behavioral health services in schools, serve
18 lunches, keep buildings clean and maintained, and many other support
19 services that are essential to school operations and student
20 learning.

21 Therefore, to improve the individualized support for student
22 learning and behavioral needs, the legislature intends to increase
23 staffing allocations for paraprofessionals in instructional and
24 noninstructional roles. The intent of this additional funding is to
25 assist school districts in hiring additional support staff or
26 providing the staff they already employ with better wages.

27 **Sec. 2.** RCW 28A.150.260 and 2023 c 379 s 6 are each amended to
28 read as follows:

29 The purpose of this section is to provide for the allocation of
30 state funding that the legislature deems necessary to support school
31 districts in offering the minimum instructional program of basic

1 education under RCW 28A.150.220. The allocation shall be determined
2 as follows:

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

7 (2)(a) The distribution formula under this section shall be for
8 allocation purposes only. Except as may be required under subsections
9 (4)(b) and (c), (5)(b) and (c), and (9) of this section, chapter
10 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
11 regulations, nothing in this section requires school districts to use
12 basic education instructional funds to implement a particular
13 instructional approach or service. Nothing in this section requires
14 school districts to maintain a particular classroom teacher-to-
15 student ratio or other staff-to-student ratio or to use allocated
16 funds to pay for particular types or classifications of staff.
17 Nothing in this section entitles an individual teacher to a
18 particular teacher planning period.

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

32 (3)(a) To the extent the technical details of the formula have
33 been adopted by the legislature and except when specifically provided
34 as a school district allocation, the distribution formula for the
35 basic education instructional allocation shall be based on minimum
36 staffing and nonstaff costs the legislature deems necessary to
37 support instruction and operations in prototypical schools serving
38 high, middle, and elementary school students as provided in this
39 section. The use of prototypical schools for the distribution formula
40 does not constitute legislative intent that schools should be

1 operated or structured in a similar fashion as the prototypes.
 2 Prototypical schools illustrate the level of resources needed to
 3 operate a school of a particular size with particular types and grade
 4 levels of students using commonly understood terms and inputs, such
 5 as class size, hours of instruction, and various categories of school
 6 staff. It is the intent that the funding allocations to school
 7 districts be adjusted from the school prototypes based on the actual
 8 number of annual average full-time equivalent students in each grade
 9 level at each school in the district and not based on the grade-level
 10 configuration of the school to the extent that data is available. The
 11 allocations shall be further adjusted from the school prototypes with
 12 minimum allocations for small schools and to reflect other factors
 13 identified in the omnibus appropriations act.

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

16 (i) A prototypical high school has 600 average annual full-time
 17 equivalent students in grades nine through 12;

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

20 (iii) A prototypical elementary school has 400 average annual
 21 full-time equivalent students in grades kindergarten through six.

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

	General education average class size
31 Grades K-3.	17.00
32 Grade 4.	27.00
33 Grades 5-6.	27.00
34 Grades 7-8.	28.53
35 Grades 9-12.	28.74

36 (ii) The minimum class size allocation for each prototypical high
 37 school shall also provide for enhanced funding for class size
 38 reduction for two laboratory science classes within grades nine
 39 through 12 per full-time equivalent high school student multiplied by

1 a laboratory science course factor of 0.0833, based on the number of
2 full-time equivalent classroom teachers needed to provide instruction
3 over the minimum required annual instructional hours in RCW
4 28A.150.220, and providing at least one teacher planning period per
5 school day:

6		Laboratory science	
7		average class size	
8	Grades 9-12.		19.98

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

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

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

19		Career and technical	
20		education average	
21		class size	
22	Approved career and technical education offered at		
23	the middle school and high school level.		23.00
24	Skill center programs meeting the standards established		
25	by the office of the superintendent of public		
26	instruction.		19.00

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

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

31 (i) A high-poverty average class size in schools where more than
32 50 percent of the students are eligible for free and reduced-price
33 meals; and

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

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

	Elementary School	Middle School	High School
1 Principals, assistant principals, and other certificated building-level			
2 administrators.	1.253	1.353	1.880
3 Teacher-librarians, a function that includes information literacy, technology,			
4 and media to support school library media programs.	0.663	0.519	0.523
5 ((Teaching assistance)) <u>Paraeducators</u> , including any aspect of educational			
6 instructional services provided by classified employees.	((0.936))	((0.700))	((0.652))
7	<u>1.012</u>	<u>0.776</u>	<u>0.728</u>
8 Office support and other noninstructional aides.	((2.012))	((2.325))	((3.269))
9	<u>2.088</u>	<u>2.401</u>	<u>3.345</u>
10 Custodians.	1.657	1.942	2.965
11 Nurses.	0.585	0.888	0.824
12 Social workers.	0.311	0.088	0.127
13 Psychologists.	0.104	0.024	0.049
14 Counselors.	0.993	1.716	3.039
15 Classified staff providing student and staff safety.	0.079	0.092	0.141
16 Parent involvement coordinators.	0.0825	0.00	0.00

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

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

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

1 (c) The superintendent shall develop rules that require school
 2 districts to use the additional funding provided under (a) of this
 3 subsection to support increased staffing, prevent layoffs, or
 4 increase salaries for the following staff types in the 2024-25 school
 5 year: Paraeducators, office support, and noninstructional aides. The
 6 superintendent shall collect data from school districts on how the
 7 increased allocations are used.

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

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

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

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

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

	Per annual average full-time equivalent student in grades K-12
35 Technology.	\$130.76
36 Utilities and insurance.	\$355.30
37 Curriculum and textbooks.	\$140.39
38 Other supplies	\$278.05
39 Library materials.	\$20.00

1 Instructional professional development for certificated and
 2 classified staff. \$21.71
 3 Facilities maintenance. \$176.01
 4 Security and central office administration. \$121.94

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

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

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

- 24 (a) Exploratory career and technical education courses for
25 students in grades seven through 12;
- 26 (b) Preparatory career and technical education courses for
27 students in grades nine through 12 offered in a high school; and
- 28 (c) Preparatory career and technical education courses for
29 students in grades 11 and 12 offered through a skill center.

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

- 33 (a) (i) To provide supplemental instruction and services for
34 students who are not meeting academic standards through the learning
35 assistance program under RCW 28A.165.005 through 28A.165.065,
36 allocations shall be based on the greater of either: The district
37 percentage of students in kindergarten through grade 12 who were
38 eligible for free or reduced-price meals for the school year
39 immediately preceding the district's participation, in whole or part,

1 in the United States department of agriculture's community
2 eligibility provision, or the district percentage of students in
3 grades K-12 who were eligible for free or reduced-price meals in the
4 prior school year. The minimum allocation for the program shall,
5 except as provided in (a)(iii) of this subsection, provide for each
6 level of prototypical school resources to provide, on a statewide
7 average, 2.3975 hours per week in extra instruction with a class size
8 of 15 learning assistance program students per teacher.

9 (ii) In addition to funding allocated under (a)(i) of this
10 subsection, to provide supplemental instruction and services for
11 students who are not meeting academic standards in qualifying
12 schools. A qualifying school, except as provided in (a)(iv) of this
13 subsection, means a school in which the three-year rolling average of
14 the prior year total annual average enrollment that qualifies for
15 free or reduced-price meals equals or exceeds 50 percent or more of
16 its total annual average enrollment. A school continues to meet the
17 definition of a qualifying school if the school: Participates in the
18 United States department of agriculture's community eligibility
19 provision; and met the definition of a qualifying school in the year
20 immediately preceding their participation. The minimum allocation for
21 this additional high poverty-based allocation must provide for each
22 level of prototypical school resources to provide, on a statewide
23 average, 1.1 hours per week in extra instruction with a class size of
24 15 learning assistance program students per teacher, under RCW
25 28A.165.055, school districts must distribute the high poverty-based
26 allocation to the schools that generated the funding allocation.

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

35 (iv) For the 2024-25 and 2025-26 school years, a school providing
36 meals at no charge to students under RCW 28A.235.135 that is not
37 participating in the department of agriculture's community
38 eligibility provision continues to meet the definition of a
39 qualifying school under (a)(ii) of this subsection if the school met

1 the definition during one year of the 2019-20 through 2022-23 school
2 years, or in the prior school year.

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

19 (ii) To provide supplemental instruction and services for
20 students who have exited the transitional bilingual program,
21 allocations shall be based on the head count number of students in
22 each school who have exited the transitional bilingual program within
23 the previous two years based on their performance on the English
24 proficiency assessment and are eligible for and enrolled in the
25 transitional bilingual instruction program under RCW
26 28A.180.040(1)(g). The minimum allocation for each prototypical
27 school shall provide resources to provide, on a statewide average,
28 3.0 hours per week in extra instruction with 15 exited students per
29 teacher.

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

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

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

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

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

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

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

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

36 **Sec. 3.** RCW 28A.400.007 and 2022 c 109 s 5 are each amended to
37 read as follows:

38 (1) In addition to the staffing units in RCW 28A.150.260, the
39 superintendent of public instruction must provide school districts

1 with allocations for the following staff units if and to the extent
 2 that funding is specifically appropriated and designated for that
 3 category of staffing unit in the omnibus operating appropriations
 4 act.

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

	Elementary	Middle	High
	School	School	School
9 Principals, assistant principals, and other certificated building-level			
10 administrators.	0.0470	0.0470	0.0200
11 Teacher-librarians, a function that includes information literacy, technology,			
12 and media to support school library media programs.	0.3370	0.4810	0.4770
13 ((Teaching assistance)) <u>Paraeducators</u> , including any aspect of educational			
14 instructional services provided by classified employees.	((1.0640))	((0.3000))	((0.3480))
15	<u>0.988</u>	<u>0.224</u>	<u>0.272</u>
16 Office support and other noninstructional aides.	((0.9880))	((1.1750))	((0.2310))
17	<u>0.912</u>	<u>1.099</u>	<u>0.155</u>
18 Custodians.	0.0430	0.0580	0.0350
19 Classified staff providing student and staff safety.	0.0000	0.6080	1.1590
20 Parent involvement coordinators.	0.9175	1.0000	1.0000

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

	General education certificated instructional staff units sufficient to achieve class size reduction of:
28 Grades K-3 class size.	0.00
29 Grade 4.	2.00
30 Grades 5-6.	2.00
31 Grades 7-8.	3.53
32 Grades 9-12.	3.74
33 CTE.	4.00
34 Skills.	3.00

35 High poverty
 36 certificated instructional
 37 staff units sufficient to

1		achieve class size reduction of:	
2	Grades K-3 class size.		2.00
3	Grade 4.		5.00
4	Grades 5-6.		4.00
5	Grades 7-8.		5.53
6	Grades 9-12.		5.74

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

17 NEW SECTION. **Sec. 4.** The state must provide the full school
18 year amount for paraeducators, including any aspect of educational
19 instructional services provided by classified employees, and office
20 support and other noninstructional aides provided in this act, for
21 the 2023-24 school year. The first month's distribution of additional
22 amounts provided under this act in the 2023-24 school year must be a
23 proportion of the total annual additional amount provided in this act
24 equal to the sum of the proportional shares under RCW 28A.510.250
25 from September 2023 to the first month's distribution. Staff units
26 for nurses, social workers, psychologists, and counselors in this
27 act, above those provided in section 5, chapter 379, Laws of 2023 may
28 not be allocated until the 2024-25 school year.

29 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
30 this act, referencing this act by bill or chapter number, is not
31 provided by June 30, 2024, in the omnibus appropriations act, this
32 act is null and void."

33 Correct the title.

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