
SUBSTITUTE HOUSE BILL 1238

State of Washington

68th Legislature

2023 Regular Session

By House Education (originally sponsored by Representatives Riccelli, Harris, Alvarado, Thai, Simmons, Senn, Rude, Reeves, Reed, Walen, Peterson, Ortiz-Self, Ormsby, Taylor, Leavitt, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Morgan, Fey, Ramel, Goodman, Fosse, Pollet, Lekanoff, Macri, Chopp, Stonier, Gregerson, and Santos; by request of Superintendent of Public Instruction)

READ FIRST TIME 02/10/23.

1 AN ACT Relating to providing free school meals for all; amending
2 RCW 28A.150.200, 28A.235.250, 28A.235.270, 28A.235.285, 28A.600.290,
3 28A.150.260, 28A.150.260, and 28A.405.415; reenacting and amending
4 RCW 28A.235.160 and 28A.600.310; adding new sections to chapter
5 28A.235 RCW; creating new sections; repealing RCW 28A.235.140 and
6 28A.235.260; providing effective dates; and providing expiration
7 dates.

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

9 **Part 1**

10 **Providing All Public School Students With Access to Meals Served at**
11 **No Charge to the Students**

12 NEW SECTION. **Sec. 101.** (1) The legislature finds that providing
13 all public school students with access to meals served without charge
14 each school day will support academic success and promote student
15 well-being. The legislature, in support of students, families, and
16 productive learning environments, and in recognition of financial
17 challenges that can create barriers to academic achievement, declares
18 that no student should ever experience hunger or food insecurity
19 within a public school.

1 (2) The legislature, therefore, intends to make the provision of
2 breakfast and lunch to all requesting students and without charge to
3 those students, part of the state's statutory program of basic
4 education that is deemed by the legislature to implement Article IX,
5 section 1 of the state Constitution. The legislature further intends
6 for this policy to be implemented without adversely or otherwise
7 impacting programs that use free and reduced-price meal eligibility
8 information for determining program eligibility, the distribution of
9 financial resources, or both.

10 **Sec. 102.** RCW 28A.150.200 and 2021 c 164 s 2 are each amended to
11 read as follows:

12 (1) The program of basic education established under this chapter
13 is deemed by the legislature to comply with the requirements of
14 Article IX, section 1 of the state Constitution, which states that
15 "It is the paramount duty of the state to make ample provision for
16 the education of all children residing within its borders, without
17 distinction or preference on account of race, color, caste, or sex,"
18 and is adopted pursuant to Article IX, section 2 of the state
19 Constitution, which states that "The legislature shall provide for a
20 general and uniform system of public schools."

21 (2) The legislature defines the program of basic education under
22 this chapter as that which is necessary to provide the opportunity to
23 develop the knowledge and skills necessary to meet the state-
24 established high school graduation requirements that are intended to
25 allow students to have the opportunity to graduate with a meaningful
26 diploma that prepares them for postsecondary education, gainful
27 employment, and citizenship. Basic education by necessity is an
28 evolving program of instruction intended to reflect the changing
29 educational opportunities that are needed to equip students for their
30 role as productive citizens and includes the following:

31 (a) The instructional program of basic education the minimum
32 components of which are described in RCW 28A.150.220;

33 (b) The program of education provided by chapter 28A.190 RCW for
34 students in residential schools as defined by RCW 28A.190.005 and for
35 juveniles in detention facilities as identified by RCW 28A.190.010;

36 (c) The program of education provided by chapter 28A.193 RCW for
37 individuals under the age of eighteen who are incarcerated in adult
38 correctional facilities;

1 (d) Transportation and transportation services to and from school
2 for eligible students as provided under RCW 28A.160.150 through
3 28A.160.180; (~~and~~)

4 (e) Statewide salary allocations necessary to hire and retain
5 qualified staff for the state's statutory program of basic education;
6 and

7 (f) Meals provided at no charge to students under section 103 of
8 this act.

9 NEW SECTION. **Sec. 103.** A new section is added to chapter
10 28A.235 RCW to read as follows:

11 (1) Beginning with the 2023-24 school year, each school district
12 shall provide breakfast and lunch each school day to any student who
13 requests a breakfast, lunch, or both. The school district must
14 provide the meals at no charge to the student and without
15 consideration of the student's eligibility for a federally reimbursed
16 free or reduced-price meal. Meals provided under this section must be
17 nutritiously adequate and qualify for federal reimbursement under the
18 school lunch program or the school breakfast program, and students
19 are not eligible for more than one meal in a meal service period.

20 (2) The office of the superintendent of public instruction shall
21 reimburse school districts on a per-meal reimbursement basis for
22 meals that are not already reimbursed at the United States department
23 of agriculture's free rate. The additional state reimbursement amount
24 must be the difference between the United States department of
25 agriculture's free rate and the United States department of
26 agriculture's paid rate.

27 (3) Until the 2025-26 school year, the superintendent of public
28 instruction may exempt school districts from the requirements of this
29 section under RCW 28A.235.160.

30 (4) To maximize federal funding, school districts, beginning with
31 the 2023-24 school year, must participate in the United States
32 department of agriculture's school lunch program and school breakfast
33 program, continue collecting free and reduced-price meal eligibility
34 applications where applicable, and run direct certification at least
35 monthly in accordance with RCW 28A.235.280. School districts shall
36 also annually monitor data for eligibility in the United States
37 department of agriculture community eligibility provision and apply
38 where eligible as required in RCW 28A.235.300.

1 (5) For the purposes of this section, the following definitions
2 apply:

3 (a) "School breakfast program" has the same meaning as in RCW
4 28A.235.160.

5 (b) "School lunch program" has the same meaning as in RCW
6 28A.235.160.

7 (6) This section governs school operation and management under
8 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
9 established under chapter 28A.710 RCW and state-tribal education
10 compact schools established under chapter 28A.715 RCW to the same
11 extent as it applies to school districts.

12 (7) The office of the superintendent of public instruction shall
13 adopt and periodically revise rules to implement this section.

14 **Sec. 104.** RCW 28A.235.160 and 2021 c 74 s 2 are each reenacted
15 and amended to read as follows:

16 (1) For the purposes of this section:

17 (a) "Free or reduced-price lunch" means a lunch served by a
18 school district participating in the national school lunch program to
19 a student qualifying for national school lunch program benefits based
20 on family size-income criteria.

21 ~~(b) ("Lunch copay" means the amount a student who qualifies for~~
22 ~~a reduced-price lunch is charged for a reduced-price lunch.~~

23 ~~(c))~~ "School breakfast program" means a program meeting federal
24 requirements defined in 42 U.S.C. Sec. 1773.

25 ~~((d))~~ (c) "School lunch program" means a meal program meeting
26 the requirements defined ~~((by the superintendent of public~~
27 ~~instruction under subsection (2)(b) of this section))~~ in 42 U.S.C.
28 Sec. 1751.

29 ~~((e))~~ (d) "Severe-need school" means a school that qualifies
30 for a severe-need school reimbursement rate from federal funds for
31 school breakfasts served to children from low-income families.

32 ~~((f))~~ (e) "Summer food service program" means a meal or snack
33 program meeting the requirements defined by the superintendent of
34 public instruction under subsection ~~((4))~~ (3) of this section.

35 (2) School districts shall implement a school lunch program and
36 school breakfast program in each public school in the district ~~((in~~
37 ~~which educational services are provided to children in any of the~~
38 ~~grades kindergarten through four and in which twenty-five percent or~~
39 ~~more of the enrolled students qualify for a free or reduced-price~~

1 lunch)). In accordance with section 103 of this act, beginning in the
2 2023-24 school year, school districts shall provide meals to all
3 requesting students at no charge to the students. In developing and
4 implementing its school lunch program and school breakfast program,
5 each school district may consult with an advisory committee including
6 school staff, community members, and others appointed by the board of
7 directors of the district.

8 ~~((a) Applications to determine free or reduced-price lunch~~
9 ~~eligibility shall be distributed and collected for all households of~~
10 ~~children in schools containing any of the grades kindergarten through~~
11 ~~four and in which there are no United States department of~~
12 ~~agriculture child nutrition programs. The applications that are~~
13 ~~collected must be reviewed to determine eligibility for free or~~
14 ~~reduced-price lunches. Nothing in this section shall be construed to~~
15 ~~require completion or submission of the application by a parent or~~
16 ~~guardian.~~

17 ~~(b) Using the most current available school data on free and~~
18 ~~reduced-price lunch eligibility, the superintendent of public~~
19 ~~instruction shall adopt a schedule for implementation of school lunch~~
20 ~~programs at each school required to offer such a program under~~
21 ~~subsection (2) of this section as follows:~~

22 ~~(i) Schools not offering a school lunch program and in which~~
23 ~~twenty-five percent or more of the enrolled students are eligible for~~
24 ~~free or reduced-price lunch shall implement a school lunch program~~
25 ~~not later than the second day of school in the 2005-06 school year~~
26 ~~and in each school year thereafter.~~

27 ~~(ii) The superintendent shall establish minimum standards~~
28 ~~defining the lunch meals to be served, and such standards must be~~
29 ~~sufficient to qualify the meals for any available federal~~
30 ~~reimbursement.~~

31 ~~(iii) Nothing in this section shall be interpreted to prevent a~~
32 ~~school from implementing a school lunch program earlier than the~~
33 ~~school is required to do so.~~

34 ~~(3) To the extent funds are appropriated for this purpose, each~~
35 ~~school district shall implement a school breakfast program in each~~
36 ~~school where more than forty percent of students eligible to~~
37 ~~participate in the school lunch program qualify for free or reduced-~~
38 ~~price meal reimbursement by the school year 2005-06. For the second~~
39 ~~year before the implementation of the district's school breakfast~~
40 ~~program, and for each subsequent school year, each school district~~

1 shall submit data enabling the superintendent of public instruction
2 to determine which schools within the district will qualify for this
3 requirement. Schools where lunch programs start after the 2003-04
4 school year, where forty percent of students qualify for free or
5 reduced-price meals, must begin school breakfast programs the second
6 year following the start of a lunch program.

7 ~~(4))~~ (3) Each school district shall implement a summer food
8 service program in each public school in the district in which a
9 summer program of academic, enrichment, or remedial services is
10 provided and in which 50 percent or more of the children enrolled in
11 the school ~~((qualify))~~ meet federal eligibility requirements for free
12 or reduced-price lunch. However, the superintendent of public
13 instruction shall develop rules establishing criteria to permit an
14 exemption for a school that can demonstrate availability of an
15 adequate alternative summer feeding program. Sites providing meals
16 should be open to all children in the area, unless a compelling case
17 can be made to limit access to the program. The superintendent of
18 public instruction shall adopt a definition of compelling case. ~~((and~~
19 ~~a schedule for implementation as follows:~~

20 ~~(a) Beginning the summer of 2005 if the school currently offers a~~
21 ~~school breakfast or lunch program; or~~

22 ~~(b) Beginning the summer following the school year during which a~~
23 ~~school implements a school lunch program under subsection (2) (b) of~~
24 ~~this section.~~

25 ~~(5) Schools not offering a breakfast or lunch program may meet~~
26 ~~the meal service requirements of subsections (2) (b) and (4) of this~~
27 ~~section through any of the following:~~

28 ~~(a) Preparing the meals on-site;~~

29 ~~(b) Receiving the meals from another school that participates in~~
30 ~~a United States department of agriculture child nutrition program; or~~

31 ~~(c) Contracting with a nonschool entity that is a licensed food~~
32 ~~service establishment under RCW 69.07.010.~~

33 ~~(6) Requirements that school districts have a school lunch,~~
34 ~~breakfast, or summer nutrition program under this section shall not~~
35 ~~create or imply any state funding obligation for these costs. The~~
36 ~~legislature does not intend to include these programs within the~~
37 ~~state's obligation for basic education funding under Article IX of~~
38 ~~the state Constitution.~~

39 ~~(7) Beginning in the 2021-22 school year, school districts with~~
40 ~~school lunch programs must eliminate lunch copays for students in~~

1 ~~prekindergarten through 12th grade who qualify for reduced-price~~
2 ~~lunches, and the superintendent of public instruction must allocate~~
3 ~~funding for this purpose.~~

4 ~~(8))~~ (4) The requirements in subsection (3) of this section
5 shall lapse if the federal reimbursement for ~~((any school breakfasts,~~
6 ~~lunches, or))~~ summer food service programs is eliminated.

7 ~~((9))~~ (5) School districts may be exempted from the
8 requirements of this section until school year 2025-26 under section
9 103 of this act by showing good cause why they cannot comply with the
10 office of the superintendent of public instruction to the extent that
11 such exemption is not in conflict with federal or state law. The
12 process and criteria by which school districts ~~((are))~~ may be
13 exempted shall be developed by rule, and revised if necessary, by the
14 office of the superintendent of public instruction in consultation
15 with representatives of school directors, school food service,
16 community-based organizations, and ~~((the Washington state PTA))~~ a
17 state organization of parents and teachers.

18 **Part 2**

19 **Related Provisions and Amendments**

20 **Sec. 201.** RCW 28A.235.250 and 2018 c 271 s 1 are each amended to
21 read as follows:

22 (1)(a) Except as provided otherwise in subsection (2) of this
23 section, each school that participates in the ~~((national))~~ school
24 lunch program, the school breakfast program, or both, shall annually
25 distribute and collect an application for all households of children
26 in kindergarten through grade ~~((twelve))~~ 12 to determine whether a
27 student meets federal eligibility requirements for free or reduced-
28 price meals. If a parent or guardian of a student needs assistance
29 with application materials in a language other than English, the
30 school shall offer appropriate assistance to the parent or guardian.

31 (b) If a student who, based on information available to the
32 school, is likely eligible for free or reduced-price meals but has
33 not submitted an application to determine eligibility, the school
34 shall, in accordance with the authority granted under 7 C.F.R. Sec.
35 245.6(d), complete and submit the application for the student.

36 (2) Subsection (1) of this section does not apply to a school
37 that provides free meals to all students in a year in which the
38 school does not collect applications to determine student eligibility

1 for free or reduced-price meals if the school participates in the
2 United States department of agriculture's community eligibility
3 provision.

4 (3) For the purposes of this section, "school breakfast program"
5 and "school lunch program" have the same meaning as in RCW
6 28A.235.160.

7 **Sec. 202.** RCW 28A.235.270 and 2018 c 271 s 4 are each amended to
8 read as follows:

9 ~~((1))~~ No school or school district personnel or school
10 volunteer may:

11 ~~((a) Take any action that would publicly identify a student who~~
12 ~~cannot pay for a school meal or for meals previously served to the~~
13 ~~student, including but not limited to requiring the student to wear a~~
14 ~~wristband, hand stamp, or other identifying marker, or by serving the~~
15 ~~student an alternative meal;~~

16 ~~(b))~~ (1) Require a student who cannot pay for ~~((a school meal or~~
17 ~~for))~~ meals previously served to the student to perform chores or
18 other actions in exchange for a meal or for the reduction or
19 elimination of a school meal debt ~~((, unless all students perform~~
20 ~~similar chores or work;~~

21 ~~(c))~~;

22 (2) Require a student to dispose of an already served meal
23 because of ~~((the student's inability to pay for the meal or because~~
24 ~~of))~~ money owed for meals previously served to the student; or

25 ~~((d))~~ (3) Allow any disciplinary action that is taken against a
26 student to result in the denial or delay of a nutritionally adequate
27 meal to the student ~~((; or~~

28 ~~(e) Require a parent or guardian to pay fees or costs in excess~~
29 ~~of the actual amounts owed for meals previously served to the~~
30 ~~student.~~

31 ~~(2) Communications from a school or school district about amounts~~
32 ~~owed for meals previously served to a student under the age of~~
33 ~~fifteen may only be directed to the student's parent or guardian.~~
34 ~~Nothing in this subsection prohibits a school or school district from~~
35 ~~sending a student home with a notification that is addressed to the~~
36 ~~student's parent or guardian.~~

37 ~~(3) (a) A school district shall notify a parent or guardian of the~~
38 ~~negative balance of a student's school meal account no later than ten~~
39 ~~days after the student's school meal account has reached a negative~~

1 balance. Within thirty days of sending this notification, the school
2 district shall exhaust all options to directly certify the student
3 for free or reduced-price meals. Within these thirty days, while the
4 school district is attempting to certify the student for free or
5 reduced-price meals, the student may not be denied access to a school
6 meal unless the school district determines that the student is
7 ineligible for free or reduced-price meals.

8 ~~(b) If the school district is unable to directly certify the~~
9 ~~student for free or reduced-price meals, the school district shall~~
10 ~~provide the parent or guardian with a paper copy of or an electronic~~
11 ~~link to an application for free or reduced-price meals with the~~
12 ~~notification required by (a) of this subsection and encourage the~~
13 ~~parent or guardian to submit the application).~~

14 **Sec. 203.** RCW 28A.235.285 and 2022 c 111 s 1 are each amended to
15 read as follows:

16 (1) The office of the superintendent of public instruction shall
17 initiate and oversee the development and implementation of a
18 statewide electronic repository of household income information that
19 is required for a student's enrollment in, or eligibility for, the
20 national school lunch program, the school breakfast program, or both
21 programs for the purpose of:

22 ~~(a) ((Removing barriers that diminish access to free and reduced-~~
23 ~~price meals by students enrolled in eligible schools;~~

24 ~~(b))~~ Providing parents and legal guardians ~~((of—students~~
25 ~~enrolled in eligible schools))~~ with a voluntary, secure, and
26 convenient online portal for providing household information that is
27 required for participation in the national school lunch program, the
28 school breakfast program, or both programs;

29 ~~((e))~~ (b) Providing student household income information to
30 schools and school districts ~~((that provide meals at no charge to~~
31 ~~students))~~ without using school meal applications to determine
32 eligibility for low-income programs for students and schools; and

33 ~~((d))~~ (c) Ensuring an accessible, simplified process for
34 enrolling students in, and administering, related nutrition programs,
35 including the summer P-EBT program.

36 (2) In addition to the requirements of this section and other
37 requirements deemed necessary by the superintendent of public
38 instruction, the superintendent of public instruction shall ensure
39 the electronic repository:

1 (a) Complies with any applicable federal requirements for
2 participation in the ((national)) school lunch program, the school
3 breakfast program, or both programs;

4 (b) Complies with any applicable requirements necessary for
5 schools and school districts to access repository data;

6 (c) Complies with any applicable standards and requirements
7 necessary to ensure that the repository data connects to the direct
8 certification system and streamlines the process in a manner that
9 maximizes the number of eligible students directly certified for free
10 school meals each month;

11 (d) Includes robust safeguards, both technically and
12 procedurally, to ensure that the income information provided by
13 parents and legal guardians is secure and accessed only by
14 individuals with express authorization to do so; and

15 (e) Is accessible online and easily navigable by parents and
16 legal guardians, and in multiple languages, for the purpose of
17 voluntarily providing the pertinent household income data.

18 (3) Household income information received by the office of the
19 superintendent of public instruction, school employees, school
20 district employees, or their designees in accordance with this
21 section is exempt from disclosure under chapter 42.56 RCW and may not
22 be disseminated except as provided by law.

23 (4)(a) Beginning in 2022, the office of the superintendent of
24 public instruction shall report annually to the legislature by
25 December 1st on the electronic repository, including: (i) The number
26 of schools and school districts accessing the data of the electronic
27 repository for providing household information that is required for a
28 school's participation in the ((national)) school lunch program, the
29 school breakfast program, or both programs; and (ii) recommendations
30 for increasing the number of repository users and improving the
31 technical functionality of the repository.

32 (b) In lieu of the report contents required in (a) of this
33 subsection, the report required by December 1, 2022, shall include a
34 plan, timeline, and cost estimate for: (i) Implementing the
35 development of the repository; (ii) securing any needed vendors for
36 its development and, if necessary, operation; and (iii) making the
37 repository accessible to schools, school districts, and the public
38 through appropriate electronic interfaces.

1 (5) For the purposes of this section, "school breakfast program"
2 and "school lunch program" have the same meaning as in RCW
3 28A.235.160.

4 **Sec. 204.** RCW 28A.600.290 and 2021 c 71 s 2 are each amended to
5 read as follows:

6 (1)(a) Subject to the availability of amounts appropriated for
7 this specific purpose and commencing with the 2015-16 school year,
8 funding may be allocated at an amount per college credit for
9 ~~((eleventh))~~ 11th and ~~((twelfth))~~ 12th grade students, and students
10 who have not yet received a high school diploma or its equivalent and
11 are eligible to be in the ~~((eleventh))~~ 11th or ~~((twelfth))~~ 12th
12 grade, who are enrolled in college in the high school courses under
13 RCW 28A.600.287 as specified in the omnibus appropriations act and
14 adjusted for inflation from the 2015-16 school year. The maximum
15 annual number of allocated credits per participating student shall be
16 specified in the omnibus appropriations act, which must not exceed
17 ~~((ten))~~ 10 credits. Funding shall be prioritized in the following
18 order:

19 (i) High schools offering a running start in the high school
20 program in school year 2014-15. These schools shall only receive
21 prioritized funding in school year 2015-16;

22 (ii) Students whose residence or the high school in which they
23 are enrolled is located ~~((twenty))~~ 20 driving miles or more as
24 measured by the most direct route from the nearest eligible
25 institution of higher education offering a running start program,
26 whichever is greater; and

27 (iii) High schools eligible for the small school funding
28 enhancement in the omnibus appropriations act.

29 (b)(i) Subject to the availability of amounts appropriated for
30 this specific purpose and commencing with the 2015-16 school year,
31 and only after the programs in (a) of this subsection are funded, a
32 subsidy may be provided per college credit for ~~((eleventh))~~ 11th and
33 ~~((twelfth))~~ 12th grade students and students who have not yet
34 received a high school diploma or its equivalent and are eligible to
35 be in the ~~((eleventh))~~ 11th or ~~((twelfth))~~ 12th grade, who have
36 ~~((been deemed eligible))~~ met federal eligibility requirements for
37 free or reduced-price lunch and are enrolled in college in the high
38 school courses under RCW 28A.600.287 as specified in the omnibus
39 appropriations act and adjusted for inflation from the 2015-16 school

1 year. The maximum annual number of subsidized credits per
2 participating student shall be specified in the omnibus
3 appropriations act, which must not exceed five credits.

4 (ii) Districts wishing to participate in the subsidy program must
5 apply to the office of the superintendent of public instruction by
6 July 1st of each year and report the preliminary estimate of eligible
7 students to receive the subsidy and the total number of projected
8 credit hours.

9 (iii) The office of the superintendent of public instruction
10 shall notify districts by September 1st of each school year if the
11 district's students will receive the subsidy. If more districts apply
12 than funding is available, the office of the superintendent of public
13 instruction shall prioritize the district applications. The
14 superintendent shall develop factors to determine priority including,
15 but not limited to, the number of dual credit opportunities available
16 for low-income students in the districts.

17 (c) Districts shall remit any allocations or subsidies on behalf
18 of participating students under (a) and (b) of this subsection to the
19 participating institution of higher education and those students
20 shall not be required to pay for the credits.

21 (2) The definitions in this subsection apply throughout this
22 section.

23 (a) "Institution of higher education" has the definition in RCW
24 28B.10.016, and also includes a public tribal college located in
25 Washington and accredited by the northwest commission on colleges and
26 universities or another accrediting association recognized by the
27 United States department of education.

28 (b) "Program course" means a college course offered in a high
29 school under the college in the high school program.

30 **Sec. 205.** RCW 28A.600.310 and 2019 c 252 s 115 and 2019 c 176 s
31 2 are each reenacted and amended to read as follows:

32 (1)(a) Eleventh and (~~twelfth~~) 12th grade students or students
33 who have not yet received the credits required for the award of a
34 high school diploma and are eligible to be in the (~~eleventh~~) 11th
35 or (~~twelfth~~) 12th grades may apply to a participating institution
36 of higher education to enroll in courses or programs offered by the
37 institution of higher education.

38 (b) The course sections and programs offered as running start
39 courses must also be open for registration to matriculated students

1 at the participating institution of higher education and may not be a
2 course consisting solely of high school students offered at a high
3 school campus.

4 (c) A student receiving home-based instruction enrolling in a
5 public high school for the sole purpose of participating in courses
6 or programs offered by institutions of higher education shall not be
7 counted by the school district in any required state or federal
8 accountability reporting if the student's parents or guardians filed
9 a declaration of intent to provide home-based instruction and the
10 student received home-based instruction during the school year before
11 the school year in which the student intends to participate in
12 courses or programs offered by the institution of higher education.
13 Students receiving home-based instruction under chapter 28A.200 RCW
14 and students attending private schools approved under chapter 28A.195
15 RCW shall not be required to meet the student learning goals or to
16 learn the state learning standards. However, students are eligible to
17 enroll in courses or programs in participating universities only if
18 the board of directors of the student's school district has decided
19 to participate in the program. Participating institutions of higher
20 education, in consultation with school districts, may establish
21 admission standards for these students. If the institution of higher
22 education accepts a secondary school pupil for enrollment under this
23 section, the institution of higher education shall send written
24 notice to the pupil and the pupil's school district within (~~ten~~) 10
25 days of acceptance. The notice shall indicate the course and hours of
26 enrollment for that pupil.

27 (2)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020
28 and 28B.15.041:

29 (i) Running start students shall pay to the community or
30 technical college all other mandatory fees as established by each
31 community or technical college and, in addition, the state board for
32 community and technical colleges may authorize a fee of up to (~~ten~~)
33 10 percent of tuition and fees as defined in RCW 28B.15.020 and
34 28B.15.041; and

35 (ii) All other institutions of higher education operating a
36 running start program may charge running start students a fee of up
37 to (~~ten~~) 10 percent of tuition and fees as defined in RCW
38 28B.15.020 and 28B.15.041 in addition to technology fees.

39 (b) The fees charged under this subsection (2) shall be prorated
40 based on credit load.

1 (c) Students may pay fees under this subsection with advanced
2 college tuition payment program tuition units at a rate set by the
3 advanced college tuition payment program governing body under chapter
4 28B.95 RCW.

5 (3)(a) The institutions of higher education must make available
6 fee waivers for low-income running start students. A student shall be
7 considered low income and eligible for a fee waiver upon proof that
8 the student (~~(is currently qualified to receive)~~) meets federal
9 eligibility requirements for free or reduced-price lunch. Acceptable
10 documentation of low-income status may also include, but is not
11 limited to, documentation that a student has been deemed eligible for
12 free or reduced-price lunches in the last five years, or other
13 criteria established in the institution's policy.

14 (b)(i) By the beginning of the 2020-21 school year, school
15 districts, upon knowledge of a low-income student's enrollment in
16 running start, must provide documentation of the student's low-income
17 status, under (a) of this subsection, directly to institutions of
18 higher education.

19 (ii) Subject to the availability of amounts appropriated for this
20 specific purpose, the office of the superintendent of public
21 instruction, in consultation with the Washington student achievement
22 council, shall develop a centralized process for school districts to
23 provide students' low-income status to institutions of higher
24 education to meet the requirements of (b)(i) of this subsection.

25 (c) Institutions of higher education, in collaboration with
26 relevant student associations, shall aim to have students who can
27 benefit from fee waivers take advantage of these waivers.
28 Institutions shall make every effort to communicate to students and
29 their families the benefits of the waivers and provide assistance to
30 students and their families on how to apply. Information about
31 waivers shall, to the greatest extent possible, be incorporated into
32 financial aid counseling, admission information, and individual
33 billing statements. Institutions also shall, to the greatest extent
34 possible, use all means of communication, including but not limited
35 to websites, online catalogues, admission and registration forms,
36 mass email messaging, social media, and outside marketing to ensure
37 that information about waivers is visible, compelling, and reaches
38 the maximum number of students and families that can benefit.

39 (4) The pupil's school district shall transmit to the institution
40 of higher education an amount per each full-time equivalent college

1 student at statewide uniform rates for vocational and nonvocational
2 students. The superintendent of public instruction shall separately
3 calculate and allocate moneys appropriated for basic education under
4 RCW 28A.150.260 to school districts for purposes of making such
5 payments and for granting school districts seven percent thereof to
6 offset program related costs. The calculations and allocations shall
7 be based upon the estimated statewide annual average per full-time
8 equivalent high school student allocations under RCW 28A.150.260,
9 excluding small high school enhancements, and applicable rules
10 adopted under chapter 34.05 RCW. The superintendent of public
11 instruction, participating institutions of higher education, and the
12 state board for community and technical colleges shall consult on the
13 calculation and distribution of the funds. The funds received by the
14 institution of higher education from the school district shall not be
15 deemed tuition or operating fees and may be retained by the
16 institution of higher education. A student enrolled under this
17 subsection shall be counted for the purpose of meeting enrollment
18 targets in accordance with terms and conditions specified in the
19 omnibus appropriations act.

20 **Part 3**

21 **Funding Stability Provisions**

22 **Sec. 301.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to
23 read as follows:

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

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

33 (2)(a) The distribution formula under this section shall be for
34 allocation purposes only. Except as may be required under subsections
35 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
36 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
37 nothing in this section requires school districts to use basic
38 education instructional funds to implement a particular instructional

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

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

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

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

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

5 (i) A prototypical high school has (~~six hundred~~) 600 average
6 annual full-time equivalent students in grades nine through
7 (~~twelve~~) 12;

8 (ii) A prototypical middle school has (~~four hundred thirty two~~)
9 432 average annual full-time equivalent students in grades seven and
10 eight; and

11 (iii) A prototypical elementary school has (~~four hundred~~) 400
12 average annual full-time equivalent students in grades kindergarten
13 through six.

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

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

26 (ii) The minimum class size allocation for each prototypical high
27 school shall also provide for enhanced funding for class size
28 reduction for two laboratory science classes within grades nine
29 through (~~twelve~~) 12 per full-time equivalent high school student
30 multiplied by a laboratory science course factor of 0.0833, based on
31 the number of full-time equivalent classroom teachers needed to
32 provide instruction over the minimum required annual instructional
33 hours in RCW 28A.150.220, and providing at least one teacher planning
34 period per school day:

	Laboratory science average class size
35 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 (~~fifty~~) 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

1	Teaching assistance, including any aspect of educational instructional services			
2	provided by classified employees.	0.936	0.700	0.652
3	Office support and other noninstructional aides.	2.012	2.325	3.269
4	Custodians.	1.657	1.942	2.965
5	Nurses.	0.246	0.336	0.339
6	Social workers.	0.132	0.033	0.052
7	Psychologists.	0.046	0.009	0.021
8	Counselors.	0.660	1.383	2.706
9	Classified staff providing student and staff safety.	0.079	0.092	0.141
10	Parent involvement coordinators.	0.0825	0.00	0.00

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

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

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

31 (c) For the 2023-24 school year, in addition to the minimum
32 allocation under (a) of this subsection, the following additional
33 staffing units for each level of prototypical school will be
34 provided:

35		Elementary	Middle	High
36		School	School	School
37	Nurses.	0.170	0.276	0.243

1	Social workers.....	0.090	0.027	0.037
2	Psychologists.....	0.029	0.007	0.014
3	Counselors.....	0.167	0.167	0.176

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

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

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

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

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

28			Per annual average	
29			full-time equivalent student	
30			in grades K-12	
31	Technology.			\$130.76
32	Utilities and insurance.			\$355.30
33	Curriculum and textbooks.			\$140.39
34	Other supplies			\$278.05
35	Library materials.			\$20.00
36	Instructional professional development for certificated and			
37	classified staff.			\$21.71

1 Facilities maintenance. \$176.01
2 Security and central office administration. \$121.94

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

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

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

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

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

27 (c) Preparatory career and technical education courses for
28 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
29 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 (~~twelve~~) 12
38 who were 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 (~~(fifteen)~~) 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 (~~(fifty)~~) 50 percent or
16 more of its total annual average enrollment. A school continues to
17 meet the definition of a qualifying school if the school:
18 Participates in the United States department of agriculture's
19 community eligibility provision; and met the definition of a
20 qualifying school in the year immediately preceding their
21 participation. The minimum allocation for this additional high
22 poverty-based allocation must provide for each level of prototypical
23 school resources to provide, on a statewide average, 1.1 hours per
24 week in extra instruction with a class size of (~~(fifteen)~~) 15
25 learning assistance program students per teacher, under RCW
26 28A.165.055, school districts must distribute the high poverty-based
27 allocation to the schools that generated the funding allocation.

28 (iii) For the 2024-25 and 2025-26 school years, allocations under
29 (a)(i) of this subsection for school districts not participating, in
30 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 not
36 participating in the department of agriculture's community
37 eligibility provision continues to meet the definition of a
38 qualifying school under (a)(ii) of this subsection if the school met
39 the definition during one year of the 2019-20 through 2022-23 school
40 years, or in the prior school year.

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

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

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

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

39 (12)(a) For the purposes of allocations for prototypical high
40 schools and middle schools under subsections (4) and (10) of this

1 section that are based on the percent of students in the school who
2 are eligible for free and reduced-price meals, the actual percent of
3 such students in a school shall be adjusted by a factor identified in
4 the omnibus appropriations act to reflect underreporting of free and
5 reduced-price meal eligibility among middle and high school students.

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

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

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

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

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

34 **Sec. 302.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to
35 read as follows:

36 The purpose of this section is to provide for the allocation of
37 state funding that the legislature deems necessary to support school
38 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 (9) of this section, chapter 28A.155,
10 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
11 nothing in this section requires school districts to use basic
12 education instructional funds to implement a particular instructional
13 approach or service. Nothing in this section requires school
14 districts to maintain a particular classroom teacher-to-student ratio
15 or other staff-to-student ratio or to use allocated funds to pay for
16 particular types or classifications of staff. Nothing in this section
17 entitles an individual teacher to a particular teacher planning
18 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 (~~six hundred~~) 600 average
17 annual full-time equivalent students in grades nine through
18 (~~twelve~~) 12;

19 (ii) A prototypical middle school has (~~four hundred thirty two~~)
20 432 average annual full-time equivalent students in grades seven and
21 eight; and

22 (iii) A prototypical elementary school has (~~four hundred~~) 400
23 average annual full-time equivalent students in grades kindergarten
24 through six.

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

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

1 (ii) The minimum class size allocation for each prototypical high
 2 school shall also provide for enhanced funding for class size
 3 reduction for two laboratory science classes within grades nine
 4 through (~~twelve~~) 12 per full-time equivalent high school student
 5 multiplied by a laboratory science course factor of 0.0833, based on
 6 the number of full-time equivalent classroom teachers needed to
 7 provide instruction over the minimum required annual instructional
 8 hours in RCW 28A.150.220, and providing at least one teacher planning
 9 period per school day:

10		Laboratory science	
11		average class size	
12	Grades 9-12.		19.98

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

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

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

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

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

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

35 (i) A high-poverty average class size in schools where more than
 36 (~~fifty~~) 50 percent of the students are eligible for free and
 37 reduced-price meals; and

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

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

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

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

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

35 (iii) For the purposes of this subsection (5) (b), "physical,
36 social, and emotional support staff" include nurses, social workers,

1 psychologists, counselors, classified staff providing student and
 2 staff safety, parent involvement coordinators, and other school
 3 district employees and contractors who provide physical, social, and
 4 emotional support to students as defined by the superintendent.

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:

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

12
 13
 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:

	Per annual average full-time equivalent student in grades K-12
29 Technology.	\$130.76
30 Utilities and insurance.	\$355.30
31 Curriculum and textbooks.	\$140.39
32 Other supplies	\$278.05
33 Library materials.	\$20.00
34 Instructional professional development for certificated and 35 classified staff.	\$21.71
36 Facilities maintenance.	\$176.01

1 Security and central office administration. \$121.94

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

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

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

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

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

23 (c) Preparatory career and technical education courses for
24 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
25 skill center.

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

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

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 except as provided in (a)(iii) of this subsection, provide for each
5 level of prototypical school resources to provide, on a statewide
6 average, 2.3975 hours per week in extra instruction with a class size
7 of (~~(fifteen)~~) 15 learning assistance program students per 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, except as provided in (a)(iv) of this
12 subsection, means a school in which the three-year rolling average of
13 the prior year total annual average enrollment that qualifies for
14 free or reduced-price meals equals or exceeds (~~(fifty)~~) 50 percent or
15 more of its total annual average enrollment. A school continues to
16 meet the definition of a qualifying school if the school:
17 Participates in the United States department of agriculture's
18 community eligibility provision; and met the definition of a
19 qualifying school in the year immediately preceding their
20 participation. The minimum allocation for this additional high
21 poverty-based allocation must provide for each level of prototypical
22 school resources to provide, on a statewide average, 1.1 hours per
23 week in extra instruction with a class size of (~~(fifteen)~~) 15
24 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 not participating, in
29 whole or in part, in the United States department of agriculture's
30 community eligibility provision shall be based on the school district
31 percentage of students in grades K-12 who were eligible for free or
32 reduced-price meals in school years 2019-20 through 2022-23 or the
33 prior school year, whichever is greatest.

34 (iv) For the 2024-25 and 2025-26 school years, a school not
35 participating in the department of agriculture's community
36 eligibility provision continues to meet the definition of a
37 qualifying school under (a)(ii) of this subsection if the school met
38 the definition during one year of the 2019-20 through 2022-23 school
39 years, or in the prior school year.

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

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

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

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

39 (12)(a) For the purposes of allocations for prototypical high
40 schools and middle schools under subsections (4) and (10) of this

1 section that are based on the percent of students in the school who
2 are eligible for free and reduced-price meals, the actual percent of
3 such students in a school shall be adjusted by a factor identified in
4 the omnibus appropriations act to reflect underreporting of free and
5 reduced-price meal eligibility among middle and high school students.

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

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

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

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

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

34 **Sec. 303.** RCW 28A.405.415 and 2020 c 288 s 5 are each amended to
35 read as follows:

36 (1) Certificated instructional staff who have attained
37 certification from the national board for professional teaching
38 standards shall receive a bonus each year in which they maintain the
39 certification. The bonus shall be calculated as follows: The annual

1 bonus shall be (~~five thousand dollars~~) \$5,000 in the 2007-08 school
2 year. Thereafter, the annual bonus shall increase by inflation,
3 except that the bonus shall not be increased during the 2013-14 and
4 2014-15 school years.

5 (2) (a) Certificated instructional staff who have attained
6 certification from the national board for professional teaching
7 standards shall be eligible for bonuses in addition to that provided
8 by subsection (1) of this section if the individual is in an
9 instructional assignment in a school in which at least (~~seventy~~) 70
10 percent of the students qualify for the free and reduced-price lunch
11 program.

12 (b) An individual is eligible for bonuses authorized under this
13 subsection (2) if he or she is in an instructional assignment in a
14 school that meets the definition of high poverty school as defined in
15 rule by the office of the superintendent of public instruction in the
16 school year immediately preceding the school's participation in the
17 United States department of agriculture's community eligibility
18 provision.

19 (c) For the 2024-25 and 2025-26 school years, individuals are
20 eligible for bonuses under this subsection if they are in an
21 instructional assignment in a school that met the definition of high
22 poverty school as defined in rule by the office of the superintendent
23 of public instruction during the 2022-23 school year.

24 (3) The amount of the additional bonus under subsection (2) of
25 this section for those meeting the qualifications of subsection (2)
26 of this section is (~~five thousand dollars~~) \$5,000.

27 (4) The bonuses provided under this section are in addition to
28 compensation received under a district's salary schedule adopted in
29 accordance with RCW 28A.405.200 and shall not be included in
30 calculations of a district's average salary and associated salary
31 limitations under RCW 28A.400.200.

32 (5) The bonuses provided under this section shall be paid in a
33 lump sum amount.

34 NEW SECTION. Sec. 304. A new section is added to chapter
35 28A.235 RCW to read as follows:

36 (1) By September 1, 2023, the superintendent of public
37 instruction shall convene a work group to:

38 (a) Identify and examine actual and potential impacts to
39 education programs funded by the state, including the learning

1 assistance program under chapter 28A.165 RCW, resulting from
2 providing meals to all requesting students as required by section 103
3 of this act; and

4 (b) Recommend actions for avoiding or mitigating impacts
5 identified under (a) of this subsection (1).

6 (2) The work group, at a minimum, must include representatives of
7 school districts and persons with relevant expertise in state-funded
8 education programs.

9 (3) Staff support for the work group must be provided by the
10 office of the superintendent of public instruction.

11 (4) The work group shall meet at least monthly and, in accordance
12 with RCW 43.01.036, provide a report of findings and recommendations
13 to the education and fiscal committees of the house of
14 representatives and the senate by June 30, 2024.

15 (5) This section expires August 31, 2024.

16 **Part 4**

17 **Other Provisions**

18 NEW SECTION. **Sec. 401.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 28A.235.140 (School breakfast programs) and 1993 c 333 s
21 1 & 1989 c 239 s 2; and

22 (2) RCW 28A.235.260 (Free or reduced-price meals—Student
23 assistance) and 2018 c 271 s 3.

24 NEW SECTION. **Sec. 402.** Section 102 of this act takes effect
25 July 1, 2025.

26 NEW SECTION. **Sec. 403.** Section 301 of this act expires
27 September 1, 2024.

28 NEW SECTION. **Sec. 404.** Section 302 of this act takes effect
29 September 1, 2024.

30 NEW SECTION. **Sec. 405.** This act may be known and cited as the
31 Washington healthy, hunger free kids act.

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