
SUBSTITUTE SENATE BILL 5582

State of Washington**68th Legislature****2023 Regular Session**

By Senate Higher Education & Workforce Development (originally sponsored by Senators Holy, Randall, Rivers, Robinson, Dozier, King, Conway, Shewmake, Padden, Lovick, Gildon, Muzzall, Lovelett, Mullet, Nobles, Saldaña, Valdez, Van De Wege, Wellman, C. Wilson, and L. Wilson)

READ FIRST TIME 02/09/23.

1 AN ACT Relating to reducing barriers and expanding educational
2 opportunities to increase the supply of nurses in Washington;
3 amending RCW 18.79.150, 18.79.110, 28A.150.260, and 28A.150.260;
4 adding a new section to chapter 28B.50 RCW; adding new sections to
5 chapter 28C.18 RCW; adding a new section to chapter 43.60A RCW;
6 adding a new section to chapter 43.70 RCW; adding a new section to
7 chapter 28A.700 RCW; adding a new section to chapter 18.79 RCW;
8 creating new sections; making appropriations; providing an effective
9 date; and providing expiration dates.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that nurses are
12 essential to the operation of the state's health care system.
13 Further, the legislature finds that the gap between demand for nurses
14 and an available workforce continues to widen. Nursing professions
15 continue to rank among the highest demand occupations in the state
16 with the number of unfilled openings ranking near the top of all
17 professional categories each month. The legislature finds that the
18 need for nurses is particularly acute in rural hospital and clinical
19 settings as well as long-term care facilities. Further, the
20 legislature finds that there is a need to expand nursing credential
21 opportunities through the expansion of existing postsecondary

1 programs, the provision of adequate compensation for nurse educators,
2 the creation of new and innovative approaches to health care
3 credentials, the creation and expansion of proven pathways to health
4 care careers within the K-12 system, and the streamlining of
5 administrative requirements in the approval of new, high quality
6 nursing education opportunities.

7 **I. EXPAND NURSING CREDENTIAL OPPORTUNITIES**

8 NEW SECTION. **Sec. 2.** (1) The legislature intends to increase
9 access to nursing education programs at the community and technical
10 colleges. The sum of \$100,000, or as much thereof as may be
11 necessary, is appropriated for the fiscal year ending June 30, 2024,
12 from the general fund—state to the state board for community and
13 technical colleges for the sole purpose of developing a plan to train
14 more nurses over the next four years. The state board shall consult
15 with health care employers and exclusive bargaining representatives
16 of nursing professions in development of the plan. The plan must
17 place particular emphasis on training health professionals in key
18 shortage areas, including rural communities. In designing a plan, the
19 state board must prioritize expanding existing programs or creating
20 new ones which:

21 (a) Create new capacity to train licensed practical nurses and
22 registered nurses through apprenticeship programs, certificate
23 programs, associates degrees in nursing, and baccalaureate degrees in
24 nursing;

25 (b) Expand training opportunities for rural and underserved
26 students;

27 (c) Demonstrate or are expected to demonstrate long-term
28 sustainability; and

29 (d) Expand partnerships between employers and exclusive
30 bargaining representatives through joint workforce development
31 initiatives including apprenticeships.

32 (2) The state board for community and technical colleges shall
33 submit a report, in accordance with RCW 43.01.036, to the appropriate
34 committees of the legislature by December 1, 2024, with the details
35 of the plan to increase capacity in nursing education programs.

36 (3) This section expires August 1, 2025.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.50
2 RCW to read as follows:

3 Subject to the availability of amounts appropriated for this
4 specific purpose, the community and technical colleges shall design
5 and implement an online curriculum and pathway to earn a licensed
6 practical nursing credential. The curriculum may include use of a
7 mobile skills lab or other innovative approaches to ensure access to
8 training opportunities for rural students.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 28C.18
10 RCW to read as follows:

11 (1) The home care aide to licensed practical nurse apprenticeship
12 pathway pilot program is created. The board and the nursing care
13 quality assurance commission shall jointly administer the pilot
14 program in consultation with the department of labor and industries.
15 The pilot program must be located in three geographically disparate
16 sites during the 2023-2025 fiscal biennium. The board, along with the
17 nursing care quality assurance commission, and the department of
18 labor and industries shall submit a report, in accordance with RCW
19 43.01.036, to the appropriate committees of the legislature by
20 December 1, 2025, of the status of the pilot program and policy
21 options to scale up the licensed practical nurse apprenticeship
22 pathway pilot program statewide. The report must examine any barriers
23 faced by current and prospective participants in the pilot program
24 including, but not limited to, the academic preparation needs of home
25 care aides selected for participation in the pilot program and the
26 availability of enrollment spots in nursing educational programs for
27 qualified applicants.

28 (2) This section expires July 1, 2026.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 28C.18
30 RCW to read as follows:

31 Subject to the availability of amounts appropriated for this
32 specific purpose, the workforce training and education coordinating
33 board shall contract with a firm that has expertise in public
34 relations and marketing to develop and execute a marketing plan about
35 available training opportunities and jobs for certified nursing
36 assistants, personal care aides, licensed practical nurses, licensed
37 vocational nurses, and related nursing professions. The marketing
38 plan must include targeted outreach to serve workforce needs in rural

1 and underserved communities as well as long-term care facilities.
2 Marketing materials containing information about educational and
3 training opportunities should include both postsecondary degree and
4 credential opportunities as well as apprenticeships and training
5 opportunities provided as partnerships between employers and
6 exclusive bargaining representatives.

7 NEW SECTION. **Sec. 6.** (1) The office of financial management
8 shall contract with a firm that has expertise in human resources
9 consulting and health care to conduct a salary survey on nurse
10 educator compensation. The salary survey must benchmark both the 50th
11 and 75th percentile of compensation for similarly credentialed nurse
12 educators in the state. The office of financial management must
13 report the results of the salary survey, in accordance with RCW
14 43.01.036, to the appropriate committees of the legislature by
15 December 1, 2024.

16 (2) This section expires August 1, 2025.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.60A
18 RCW to read as follows:

19 The department of veterans affairs faces a shortage of nursing
20 assistant-certified staff. To address the shortage, the department
21 may design its own nursing assistant-certified training program or
22 implement an existing nursing assistant-certified training and
23 recruitment program to serve the state veterans' homes. The training
24 program must design a recruitment program to conduct outreach to
25 individuals from marginalized communities about available jobs and
26 training opportunities. Further, the department's training program
27 must be cost-effective for students and meet the unique needs of the
28 populations the states' veterans' homes serve.

29 **II. ELIMINATE BOTTLENECKS IN NURSE TRAINING**

30 **Sec. 8.** RCW 18.79.150 and 1994 sp.s. c 9 s 415 are each amended
31 to read as follows:

32 An institution desiring to conduct a school of registered nursing
33 or a school or program of practical nursing, or both, shall apply to
34 the commission and submit evidence satisfactory to the commission
35 that:

1 (1) It is prepared to carry out the curriculum approved by the
2 commission for basic registered nursing or practical nursing, or
3 both; and

4 (2) It is prepared to meet other standards established by law and
5 by the commission.

6 The commission shall make, or cause to be made, such surveys of
7 the schools and programs, and of institutions and agencies to be used
8 by the schools and programs, as it determines are necessary. If in
9 the opinion of the commission, the requirements for an approved
10 school of registered nursing or a school or program of practical
11 nursing, or both, are met, the commission shall approve the school or
12 program. The nursing commission may grant approval to baccalaureate
13 nursing education programs where the nurse administrator holds a
14 graduate degree with a major in nursing and has sufficient experience
15 as a registered nurse but does not hold a doctoral degree.

16 **Sec. 9.** RCW 18.79.110 and 2013 c 229 s 1 are each amended to
17 read as follows:

18 (1) The commission shall keep a record of all of its proceedings
19 and make such reports to the governor as may be required. The
20 commission shall define by rules what constitutes specialized and
21 advanced levels of nursing practice as recognized by the medical and
22 nursing profession. The commission may adopt rules or issue advisory
23 opinions in response to questions put to it by professional health
24 associations, nursing practitioners, and consumers in this state
25 concerning the authority of various categories of nursing
26 practitioners to perform particular acts.

27 (2) The commission shall approve curricula and shall establish
28 criteria for minimum standards for schools preparing persons for
29 licensing as registered nurses, advanced registered nurse
30 practitioners, and licensed practical nurses under this chapter. The
31 commission shall approve such schools of nursing as meet the
32 requirements of this chapter and the commission, and the commission
33 shall approve establishment of basic nursing education programs and
34 shall establish criteria as to the need for and the size of a program
35 and the type of program and the geographical location. The commission
36 shall establish criteria for proof of reasonable currency of
37 knowledge and skill as a basis for safe practice after three years'
38 inactive or lapsed status. The commission shall establish criteria
39 for licensing by endorsement. The commission shall determine

1 examination requirements for applicants for licensing as registered
2 nurses, advanced registered nurse practitioners, and licensed
3 practical nurses under this chapter, and shall certify to the
4 secretary for licensing duly qualified applicants. In establishing
5 criteria for licensing by endorsement, the commission shall adopt
6 rules which allow for one hour of simulated learning to be counted as
7 equivalent to two hours of clinical placement learning, with
8 simulated learning accounting for up to a maximum of 50 percent of
9 the required clinical hours.

10 (3) The commission shall adopt rules on continuing competency.
11 The rules must include exemptions from the continuing competency
12 requirements for registered nurses seeking advanced nursing degrees.
13 Nothing in this subsection prohibits the commission from providing
14 additional exemptions for any person credentialed under this chapter
15 who is enrolled in an advanced education program.

16 (4) The commission shall adopt such rules under chapter 34.05 RCW
17 as are necessary to fulfill the purposes of this chapter.

18 (5) The commission is the successor in interest of the board of
19 nursing and the board of practical nursing. All contracts,
20 undertakings, agreements, rules, regulations, decisions, orders, and
21 policies of the former board of nursing or the board of practical
22 nursing continue in full force and effect under the commission until
23 the commission amends or rescinds those rules, regulations,
24 decisions, orders, or policies.

25 (6) The members of the commission are immune from suit in an
26 action, civil or criminal, based on its disciplinary proceedings or
27 other official acts performed in good faith as members of the
28 commission.

29 (7) Whenever the workload of the commission requires, the
30 commission may request that the secretary appoint pro tempore members
31 of the commission. When serving, pro tempore members of the
32 commission have all of the powers, duties, and immunities, and are
33 entitled to all of the emoluments, including travel expenses, of
34 regularly appointed members of the commission.

35 NEW SECTION. Sec. 10. A new section is added to chapter 43.70
36 RCW to read as follows:

37 (1) The legislature intends to expand the student nurse preceptor
38 grant program to help reduce the shortage of health care training

1 settings for students and increase the numbers of nurses in the
2 workforce.

3 (2) The sums of \$6,000,000 for fiscal year 2024 and \$6,000,000
4 for fiscal year 2025, or as much thereof as may be necessary, are
5 appropriated from the general fund—state for the purpose of a grant
6 program for student nurse preceptorships.

7 (a) The grant program shall provide incentive pay for individuals
8 serving as clinical supervisors to nursing candidates with a focus on
9 acute shortage areas including those in rural and underserved
10 communities and long-term care facilities. The desired outcomes of
11 the grant program include increased clinical opportunities for
12 nursing students. In part, increased clinical opportunities shall be
13 achieved through reducing the required number of qualifying hours of
14 precepting clinical instruction per student from 100 to 80. The
15 nursing care quality assurance commission shall consult with
16 collective bargaining representatives of nurses who serve as clinical
17 supervisors in the development of the grant program.

18 (b) The department shall submit a report, in accordance with RCW
19 43.01.036, to the office of financial management and the appropriate
20 committees of the legislature by September 30, 2025, on the outcomes
21 of the grant program. The report must include:

22 (i) A description of the mechanism for incentivizing supervisor
23 pay and other strategies;

24 (ii) The number of supervisors that received bonus pay and the
25 number of sites used;

26 (iii) The number of students that received supervision at each
27 site;

28 (iv) The number of supervision hours provided at each site;

29 (v) Initial reporting on the number of students who received
30 supervision through the programs that moved into a permanent position
31 with the program at the end of their supervision; and

32 (vi) Recommendations to scale up the program or otherwise recruit
33 nurse preceptors in shortage areas.

34 **III. GROW K-12 PATHWAYS INTO HEALTH CARE CREDENTIALS**

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.700
36 RCW to read as follows:

37 (1) Subject to the availability of amounts appropriated for this
38 specific purpose, the office of the superintendent of public

1 instruction shall establish and administer a grant program for the
2 purpose of supporting high school career and technical education
3 programs in starting or expanding offerings in health science
4 programs.

5 (2) Grants must be awarded through a competitive grant process
6 administered by the office of the superintendent of public
7 instruction. In developing award criteria, the office of the
8 superintendent of public instruction must consult with the workforce
9 training and education coordinating board and the Washington state
10 apprenticeship and training council.

11 (3) Grant funds may be allocated on a one-time or ongoing basis
12 dependent on the needs of the program and may be used to purchase or
13 improve curriculum, add additional staff, upgrade technology and
14 equipment to meet industry standards, and for other purposes intended
15 to initiate a new health science program or improve the rigor and
16 quality of an existing health science program. Priority must be given
17 to grant applications that include partnerships between employers and
18 exclusive bargaining representatives as sponsors or cosponsors.

19 (4) Programs receiving funds under this section must meet the
20 minimum criteria for preparatory secondary career and technical
21 education programs under RCW 28A.700.030.

22 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.79
23 RCW to read as follows:

24 (1) The commission, in collaboration with rural hospitals,
25 relevant employer and exclusive bargaining unit partnerships, nursing
26 assistant-certified training programs, the department of health, and
27 the department of labor and industries, shall establish at least two
28 pilot projects for rural hospitals to utilize high school students
29 who are training to become nursing assistant-certified or high school
30 students who are nursing assistant-certified to help address the
31 workforce shortages and promote nursing careers in rural hospitals.
32 As part of the program, students must receive information about
33 related careers and educational and training opportunities including
34 certified medical assistants, licensed practical nurses, and
35 registered nurses.

36 (2) At least one of the rural hospitals participating in the
37 pilot projects must be east of the crest of the Cascade mountains and
38 at least one of the rural hospitals participating in the pilot
39 projects must be west of the crest of the Cascade mountains.

1 (3) The pilot projects shall prioritize using the nursing
2 assistant-certified high school students to their full scope of
3 practice and identify any barriers to doing this.

4 (4) The commission may contract with an employer and exclusive
5 bargaining unit partnership, nursing consultant, and health services
6 consultant to assist with establishing and supporting the pilot
7 project, including identifying participants, coordinating with the
8 groups and agencies as referenced in subsection (1) of this section
9 and other stakeholders, and preparing reports to the legislature.

10 (5) The commission shall submit a report, in accordance with RCW
11 43.01.036, to the health care committees of the legislature by
12 December 1, 2024, and December 1, 2025, with the status of the pilot
13 projects and any findings and recommendations.

14 (6) This section expires July 1, 2026.

15 **Sec. 13.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to
16 read as follows:

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

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

26 (2)(a) The distribution formula under this section shall be for
27 allocation purposes only. Except as may be required under subsections
28 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
29 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
30 nothing in this section requires school districts to use basic
31 education instructional funds to implement a particular instructional
32 approach or service. Nothing in this section requires school
33 districts to maintain a particular classroom teacher-to-student ratio
34 or other staff-to-student ratio or to use allocated funds to pay for
35 particular types or classifications of staff. Nothing in this section
36 entitles an individual teacher to a particular teacher planning
37 period.

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

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

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

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

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

1 (ii) A prototypical middle school has (~~four hundred thirty-two~~)
2 432 average annual full-time equivalent students in grades seven and
3 eight; and

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

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

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

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

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

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

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

(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)) 16.00

(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
Teaching assistance, including any aspect of educational instructional services provided by classified employees.	0.936	0.700	0.652
Office support and other noninstructional aides.	2.012	2.325	3.269
Custodians.	1.657	1.942	2.965
Nurses.	0.246	0.336	0.339
Social workers.	0.132	0.033	0.052
Psychologists.	0.046	0.009	0.021

1	Counselors.....	0.660	1.383	2.706
2	Classified staff providing student and staff safety.....	0.079	0.092	0.141
3	Parent involvement coordinators.....	0.0825	0.00	0.00

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

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

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

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

	Elementary	Middle	High
	School	School	School
28 Nurses.....	0.170	0.276	0.243
29 Social workers.....	0.090	0.027	0.037
30 Psychologists.....	0.029	0.007	0.014
31 Counselors.....	0.167	0.167	0.176

34 (6) (a) The minimum staffing allocation for each school district
35 to provide district-wide support services shall be allocated per
36 (~~one thousand~~) 1,000 annual average full-time equivalent students
37 in grades K-12 as follows:

1		Staff per 1,000
2		K-12 students
3	Technology.	0.628
4	Facilities, maintenance, and grounds.	1.813
5	Warehouse, laborers, and mechanics.	0.332

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

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

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

21		Per annual average
22		full-time equivalent student
23		in grades K-12
24	Technology.	\$130.76
25	Utilities and insurance.	\$355.30
26	Curriculum and textbooks.	\$140.39
27	Other supplies	\$278.05
28	Library materials.	\$20.00
29	Instructional professional development for certificated and	
30	classified staff.	\$21.71
31	Facilities maintenance.	\$176.01
32	Security and central office administration.	\$121.94

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

1		Per annual average
2		full-time equivalent student
3		in grades 9-12
4	Technology.	\$36.35
5	Curriculum and textbooks.	\$39.02
6	Other supplies	\$77.28
7	Library materials.	\$5.56
8	Instructional professional development for certificated and	
9	classified staff.	\$6.04

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

- 14 (a) Exploratory career and technical education courses for
15 students in grades seven through (~~twelve~~) 12;
- 16 (b) Preparatory career and technical education courses for
17 students in grades nine through (~~twelve~~) 12 offered in a high
18 school; and
- 19 (c) Preparatory career and technical education courses for
20 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
21 skill center.

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

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

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

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

35 (ii) To provide supplemental instruction and services for
36 students who have exited the transitional bilingual program,
37 allocations shall be based on the head count number of students in
38 each school who have exited the transitional bilingual program within
39 the previous two years based on their performance on the English
40 proficiency assessment and are eligible for and enrolled in the

1 transitional bilingual instruction program under RCW
2 28A.180.040(1)(g). The minimum allocation for each prototypical
3 school shall provide resources to provide, on a statewide average,
4 3.0 hours per week in extra instruction with (~~fifteen~~) 15 exited
5 students per teacher.

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

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

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

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

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

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

37 (c) The enrollment of any district shall be the annual average
38 number of full-time equivalent students and part-time students as
39 provided in RCW 28A.150.350, enrolled on the first school day of each
40 month, including students who are in attendance pursuant to RCW

1 28A.335.160 and 28A.225.250 who do not reside within the servicing
2 school district. The definition of full-time equivalent student shall
3 be determined by rules of the superintendent of public instruction
4 and shall be included as part of the superintendent's biennial budget
5 request. The definition shall be based on the minimum instructional
6 hour offerings required under RCW 28A.150.220. Any revision of the
7 present definition shall not take effect until approved by the house
8 ways and means committee and the senate ways and means committee.

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

12 **Sec. 14.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to
13 read as follows:

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

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

23 (2)(a) The distribution formula under this section shall be for
24 allocation purposes only. Except as may be required under subsections
25 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
26 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
27 nothing in this section requires school districts to use basic
28 education instructional funds to implement a particular instructional
29 approach or service. Nothing in this section requires school
30 districts to maintain a particular classroom teacher-to-student ratio
31 or other staff-to-student ratio or to use allocated funds to pay for
32 particular types or classifications of staff. Nothing in this section
33 entitles an individual teacher to a particular teacher planning
34 period.

35 (b) To promote transparency in state funding allocations, the
36 superintendent of public instruction must report state per-pupil
37 allocations for each school district for the general apportionment,
38 special education, learning assistance, transitional bilingual,
39 highly capable, and career and technical education programs. The

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

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

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

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

36 (ii) A prototypical middle school has (~~(four hundred thirty-two)~~)
37 432 average annual full-time equivalent students in grades seven and
38 eight; and

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

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

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

16
17
18 (ii) The minimum class size allocation for each prototypical high
19 school shall also provide for enhanced funding for class size
20 reduction for two laboratory science classes within grades nine
21 through (~~twelve~~) 12 per full-time equivalent high school student
22 multiplied by a laboratory science course factor of 0.0833, based on
23 the number of full-time equivalent classroom teachers needed to
24 provide instruction over the minimum required annual instructional
25 hours in RCW 28A.150.220, and providing at least one teacher planning
26 period per school day:

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

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

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

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

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

3		Career and technical
4		education average
5		class size
6	Approved career and technical education offered at	
7	the middle school and high school level.	23.00
8	Skill center programs meeting the standards established	
9	by the office of the superintendent of public	
10	instruction.	((19.00)) <u>16.00</u>

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

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

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

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

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

23		Elementary	Middle	High
24		School	School	School
25	Principals, assistant principals, and other certificated building-level			
26	administrators.	1.253	1.353	1.880
27	Teacher-librarians, a function that includes information literacy, technology,			
28	and media to support school library media programs.	0.663	0.519	0.523
29	Teaching assistance, including any aspect of educational instructional services			
30	provided by classified employees.	0.936	0.700	0.652
31	Office support and other noninstructional aides.	2.012	2.325	3.269
32	Custodians.	1.657	1.942	2.965
33	Nurses.	0.585	0.888	0.824
34	Social workers.	0.311	0.088	0.127
35	Psychologists.	0.104	0.024	0.049
36	Counselors.	0.993	1.716	3.039

1	Classified staff providing student and staff safety.	0.079	0.092	0.141
2	Parent involvement coordinators.	0.0825	0.00	0.00

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

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

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

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

26		Staff per 1,000
27		K-12 students
28	Technology.	0.628
29	Facilities, maintenance, and grounds.	1.813
30	Warehouse, laborers, and mechanics.	0.332

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

36 (7) The distribution formula shall include staffing allocations
37 to school districts for career and technical education and skill

1 center administrative and other school-level certificated staff, as
2 specified in the omnibus appropriations act.

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

	Per annual average full-time equivalent student in grades K-12
9 Technology.	\$130.76
10 Utilities and insurance.	\$355.30
11 Curriculum and textbooks.	\$140.39
12 Other supplies	\$278.05
13 Library materials.	\$20.00
14 Instructional professional development for certificated and 15 classified staff.	\$21.71
16 Facilities maintenance.	\$176.01
17 Security and central office administration.	\$121.94

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

	Per annual average full-time equivalent student in grades 9-12
24 Technology.	\$36.35
25 Curriculum and textbooks.	\$39.02
26 Other supplies	\$77.28
27 Library materials.	\$5.56
28 Instructional professional development for certificated and 29 classified staff.	\$6.04

30 (9) In addition to the amounts provided in subsection (8) of this
31 section and subject to RCW 28A.150.265, the omnibus appropriations
32

1 act shall provide an amount based on full-time equivalent student
2 enrollment in each of the following:

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

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

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

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

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

29 (ii) In addition to funding allocated under (a)(i) of this
30 subsection, to provide supplemental instruction and services for
31 students who are not meeting academic standards in qualifying
32 schools. A qualifying school means a school in which the three-year
33 rolling average of the prior year total annual average enrollment
34 that qualifies for free or reduced-price meals equals or exceeds
35 (~~fifty~~) 50 percent or more of its total annual average enrollment.
36 A school continues to meet the definition of a qualifying school if
37 the school: Participates in the United States department of
38 agriculture's community eligibility provision; and met the definition
39 of a qualifying school in the year immediately preceding their
40 participation. The minimum allocation for this additional high

1 poverty-based allocation must provide for each level of prototypical
2 school resources to provide, on a statewide average, 1.1 hours per
3 week in extra instruction with a class size of (~~(fifteen)~~) 15
4 learning assistance program students per teacher, under RCW
5 28A.165.055, school districts must distribute the high poverty-based
6 allocation to the schools that generated the funding allocation.

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

23 (ii) To provide supplemental instruction and services for
24 students who have exited the transitional bilingual program,
25 allocations shall be based on the head count number of students in
26 each school who have exited the transitional bilingual program within
27 the previous two years based on their performance on the English
28 proficiency assessment and are eligible for and enrolled in the
29 transitional bilingual instruction program under RCW
30 28A.180.040(1)(g). The minimum allocation for each prototypical
31 school shall provide resources to provide, on a statewide average,
32 3.0 hours per week in extra instruction with (~~(fifteen)~~) 15 exited
33 students per teacher.

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 15.** Section 13 of this act expires September
2 1, 2024.

3 NEW SECTION. **Sec. 16.** Section 14 of this act takes effect
4 September 1, 2024.

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