
SUBSTITUTE SENATE BILL 6760

State of Washington

61st Legislature

2010 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Oemig, Gordon, McDermott, McAuliffe, Tom, Kauffman, Fairley, Ranker, Hargrove, Kline, Murray, Eide, Franklin, Hobbs, and Shin)

READ FIRST TIME 02/04/10.

1 AN ACT Relating to the basic education instructional allocation
2 distribution formula; amending RCW 28A.150.260 and 28A.150.390;
3 amending 2009 c 548 s 804 (uncodified); creating new sections; and
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to continue to
7 refine and provide greater detail to the distribution formula for the
8 basic education instructional allocation, which shall be based on
9 minimum staffing and nonstaff costs that the legislature deems
10 necessary to support instruction and operations in prototypical schools
11 as defined by the legislature. The legislature expects that the
12 detailed prototype school model will bring greater transparency,
13 understanding, and public accountability to the funding system because
14 it displays funding assumptions in understandable terms centered on the
15 operations of school buildings.

16 **Sec. 2.** RCW 28A.150.260 and 2009 c 548 s 106 are each amended to
17 read as follows:

18 The purpose of this section is to provide for the allocation of

1 state funding that the legislature deems necessary to support school
2 districts in offering the minimum instructional program of basic
3 education under RCW 28A.150.220. The allocation shall be determined as
4 follows:

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

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

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

1 adjusted from the school prototypes with minimum allocations for small
2 schools and to reflect other factors identified in the omnibus
3 appropriations act.

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

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

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

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

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

	<u>General education</u>
	<u>average</u>
	<u>class size</u>
25 <u>Grades K-3</u>	<u>25.23</u>
26 <u>Grade 4</u>	<u>27.00</u>
27 <u>Grades 5-6</u>	<u>27.00</u>
28 <u>Grades 7-8</u>	<u>28.53</u>
29 <u>Grades 9-12, except in cases when lower average class sizes</u>	
30 <u>are specified for approved career and technical education</u>	
31 <u>programs and skill centers</u>	<u>28.74</u>
32 <u>Approved career and technical education offered at</u>	
33 <u>the middle school and high school level</u>	<u>26.57</u>
34 <u>Skill center programs meeting the standards established</u>	
35 <u>by the office of the superintendent of public instruction</u>	<u>22.76</u>

36 (ii) According to an implementation schedule adopted by the
37 legislature, the omnibus appropriations act shall at a minimum specify:
38 ~~((i) Basic average class size;~~

1	<u>Health and social services:</u>			
2	<u>School nurses</u>	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
3	<u>Social workers</u>	<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
4	<u>Psychologists</u>	<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
5	<u>Guidance counselors, a function that includes parent outreach and</u>			
6	<u>graduation advising</u>	<u>0.493</u>	<u>1.116</u>	<u>1.909</u>
7	<u>Professional development coaches</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
8	<u>Teaching assistance, including any aspect of educational instructional</u>			
9	<u>services provided by classified employees</u>	<u>0.917</u>	<u>0.685</u>	<u>0.638</u>
10	<u>Office support and other noninstructional aides</u>	<u>1.971</u>	<u>2.277</u>	<u>3.201</u>
11	<u>Custodians</u>	<u>1.622</u>	<u>1.902</u>	<u>2.903</u>
12	<u>Classified staff providing student and staff safety</u>	<u>0.077</u>	<u>0.090</u>	<u>0.138</u>
13	<u>Parent involvement coordinators</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>

14 (4)(a) For career and technical education programs approved by the
15 superintendent of public instruction, the minimum allocation for
16 administrative staff shall be allocated at 0.410 per one hundred full-
17 time equivalent career and technical education students and for other
18 school-level certificated staff at 0.202 per one hundred full-time
19 equivalent career and technical education students, regardless of the
20 grade level at which the program is delivered.

21 (b) The average annual full-time equivalent student enrollment for
22 career and technical programs used for administrative, classroom
23 teachers, and school-level certificated staff calculations under this
24 subsection (4) shall be excluded from the average annual full-time
25 equivalent student enrollment used for the administrative, classroom
26 teachers, and school-level certificated staff allocations by grade
27 level.

28 (5)(a) For skill center programs meeting the standards for skill
29 center funding established in January 1999 by the superintendent of
30 public instruction, the minimum allocation for administrative staff
31 shall be allocated at 0.490 per one hundred full-time equivalent skill
32 center students and for other school-level certificated staff at 0.236
33 per one hundred full-time equivalent skill center students.

34 (b) The average annual full-time equivalent student enrollment for
35 skill centers used for administrative, classroom teachers, and school-
36 level certificated staff calculations under this subsection (5) shall

1 be excluded from the average annual full-time equivalent student
2 enrollment used for the administrative, classroom teachers, and school-
3 level certificated staff allocations by grade level.

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

	<u>Staff per 1,000</u>
	<u>K-12 students</u>
7 <u>Technology</u>	0.615
8 <u>Facilities, maintenance, and grounds</u>	1.776
9 <u>Warehouse, laborers, and mechanics</u>	0.325

10
11
12 (b) The minimum allocation for each school district to support
13 certificated and classified staffing of central administration shall be
14 5.39 percent of the staff units generated for the prototypical school
15 staff and district-wide support staff in subsections (3) and (4) of
16 this section and (a) of this subsection to provide the following
17 services: Supervisors/finance/personnel/communications; central office
18 clerical; and certificated administrators.

19 (7)(a) Except as provided in subsection (8) of this section, the
20 minimum allocation for each school district shall include allocations
21 per annual average full-time equivalent student for the following
22 materials, supplies, and operating costs: ((Student technology;
23 utilities; curriculum, textbooks, library materials, and instructional
24 supplies; instructional professional development for both certificated
25 and classified staff; other building level costs including maintenance,
26 custodial, and security; and central office administration.))

	<u>Per annual average</u>
	<u>full-time equivalent student</u>
	<u>in grades K-12</u>
27 <u>Technology</u>	\$54.43
28 <u>Utilities and insurance</u>	\$324.52
29 <u>Curriculum and textbooks</u>	\$58.44
30 <u>Other supplies and library materials</u>	\$124.07
31 <u>Instructional professional development for certified and</u>	
32 <u>classified staff</u>	\$9.04
33 <u>Facilities maintenance</u>	\$73.27
34 <u>Security and central office</u>	\$50.76

1 (b) (~~The annual average full-time equivalent student amounts in~~
2 ~~(a) of this subsection shall be enhanced~~) According to an
3 implementation schedule adopted by the legislature and in addition to
4 the amounts provided in (a) of this subsection, the omnibus
5 appropriations act shall provide an amount based on the full-time
6 equivalent student enrollment ((in)) for each of the following: (i)
7 Exploratory career and technical education courses for students in
8 grades seven through twelve; (ii) laboratory science courses for
9 students in grades nine through twelve; (iii) preparatory career and
10 technical education courses for students in grades nine through twelve
11 offered in a high school; and (iv) preparatory career and technical
12 education courses for students in grades eleven and twelve offered
13 through a skill center.

14 ~~((+5))~~ (8) In addition to the allocations provided under
15 subsections (3) and ~~((+4))~~ (7) of this section shall be ~~((enhanced as~~
16 ~~follows to provide~~) an amount provided for additional allocations for
17 classroom teachers and maintenance, supplies, and operating costs:

18 (a) To provide supplemental instruction and services for
19 underachieving students through the learning assistance program under
20 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
21 ~~((percent))~~ average percentage of students in ~~((each school))~~ grades K-
22 12 who ~~((are))~~ were eligible for free ~~((and))~~ or reduced-price meals.
23 The minimum allocation for the ~~((learning assistance))~~ program shall
24 provide ~~((an extended school day and extended school year))~~ for each
25 level of prototypical school ~~((and a per student allocation for~~
26 ~~maintenance, supplies, and operating costs))~~ resources to provide
27 1.5156 hours per week in extra instruction with a class size of fifteen
28 learning assistance program students per teacher and zero hours per
29 week of instruction during vacation periods.

30 (b) To provide supplemental instruction and services for students
31 whose primary language is other than English, allocations shall be
32 based on the head count number of students in each school who are
33 eligible for and enrolled in the transitional bilingual instruction
34 program under RCW 28A.180.010 through 28A.180.080. The minimum
35 allocation for each level of prototypical school shall provide ~~((for~~
36 ~~supplemental instruction based on percent of the school day a student~~
37 ~~is assumed to receive supplemental instruction and a per student~~
38 ~~allocation for maintenance, supplies, and operating costs))~~ resources

1 to provide 4.7780 hours per week in extra instruction with fifteen
2 transitional bilingual instruction program students per teacher and
3 zero hours per week of instruction during vacation periods.

4 ~~((+6))~~ (9) The allocations provided under subsections (3) and
5 ~~((+4))~~ (7) of this section shall be enhanced to provide additional
6 allocations to support programs for highly capable students under RCW
7 28A.185.010 through 28A.185.030, based on two and three hundred
8 fourteen one-thousandths percent of each school district's full-time
9 equivalent basic education enrollment. The minimum allocation for the
10 programs shall provide ~~((an extended school day and extended school~~
11 ~~year for each level of prototypical school and a per student allocation~~
12 ~~for maintenance, supplies, and operating costs))~~ resources to provide
13 2.1590 hours per week in extra instruction with fifteen highly capable
14 program students per teacher and zero hours per week of instruction
15 during vacation periods.

16 ~~((+7))~~ (10) The allocations under subsections (3)(b), (c)(i), and
17 (d), ~~((+4), and (+8))~~ (6), and (7)(a) of this section shall be enhanced
18 as provided under RCW 28A.150.390 on an excess cost basis to provide
19 supplemental instructional resources for students with disabilities.

20 ~~((+8) The distribution formula shall include allocations to school~~
21 ~~districts to support certificated and classified staffing of central~~
22 ~~office administration. The minimum allocation shall be calculated as~~
23 ~~a percentage, identified in the omnibus appropriations act, of the~~
24 ~~total allocations for staff under subsections (3) and (6) of this~~
25 ~~section for all schools in the district.~~

26 ~~(+9))~~ (11)(a) For the purposes of allocations for prototypical high
27 schools and middle schools under subsections (3) and ~~((+5))~~ (8) of
28 this section that are based on the percent of students in the school
29 who are eligible for free and reduced-price meals, the actual percent
30 of such students in a school shall be adjusted by a factor identified
31 in the omnibus appropriations act to reflect underreporting of free and
32 reduced-price meal eligibility among middle and high school students.

33 (b) Allocations or enhancements provided under subsections (3)
34 ~~((and)),~~ (4), (5), and (7) of this section for exploratory and
35 preparatory career and technical education courses shall be provided
36 only for courses approved by the office of the superintendent of public
37 instruction under chapter 28A.700 RCW.

1 ~~((10))~~ (12)(a) This formula for distribution of basic education
2 funds shall be reviewed biennially by the superintendent and governor.
3 The recommended formula shall be subject to approval, amendment or
4 rejection by the legislature.

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

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

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

24 **Sec. 3.** RCW 28A.150.390 and 2009 c 548 s 108 are each amended to
25 read as follows:

26 (1) The superintendent of public instruction shall submit to each
27 regular session of the legislature during an odd-numbered year a
28 programmed budget request for special education programs for students
29 with disabilities. Funding for programs operated by local school
30 districts shall be on an excess cost basis from appropriations provided
31 by the legislature for special education programs for students with
32 disabilities and shall take account of state funds accruing through RCW
33 28A.150.260 (3) (b), (c)(i), and (d), ~~((4), and (8) and federal~~
34 ~~medical assistance and private funds accruing under RCW 74.09.5249~~
35 ~~through 74.09.5253 and 74.09.5254 through 74.09.5256))~~ (6), and (7)(a).

36 (2) The excess cost allocation to school districts shall be based
37 on the following:

1 (a) A district's annual average headcount enrollment of students
2 ages birth through four and those five year olds not yet enrolled in
3 kindergarten who are eligible for and enrolled in special education,
4 multiplied by the district's base allocation per full-time equivalent
5 student, multiplied by 1.15; and

6 (b) A district's annual average full-time equivalent basic
7 education enrollment, multiplied by the district's funded enrollment
8 percent, multiplied by the district's base allocation per full-time
9 equivalent student, multiplied by 0.9309.

10 (3) As used in this section:

11 (a) "Base allocation" means the total state allocation to all
12 schools in the district generated by the distribution formula under RCW
13 28A.150.260 (3) (b), (c)(i), and (d), (~~((4), and (8))~~) (6), and (7)(a),
14 to be divided by the district's full-time equivalent enrollment.

15 (b) "Basic education enrollment" means enrollment of resident
16 students including nonresident students enrolled under RCW 28A.225.225
17 and students from nonhigh districts enrolled under RCW 28A.225.210 and
18 excluding students residing in another district enrolled as part of an
19 interdistrict cooperative program under RCW 28A.225.250.

20 (c) "Enrollment percent" means the district's resident special
21 education annual average enrollment, excluding students ages birth
22 through four and those five year olds not yet enrolled in kindergarten,
23 as a percent of the district's annual average full-time equivalent
24 basic education enrollment.

25 (d) "Funded enrollment percent" means the lesser of the district's
26 actual enrollment percent or twelve and seven-tenths percent.

27 **Sec. 4.** 2009 c 548 s 804 (uncodified) is amended to read as
28 follows:

29 Sections 101 through 105, 107 through 110, and 701 through 710 of
30 this act take effect September 1, 2011.

31 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
32 conflict with federal requirements that are a prescribed condition to
33 the allocation of federal funds to the state, the conflicting part of
34 this act is inoperative solely to the extent of the conflict and with
35 respect to the agencies directly affected, and this finding does not
36 affect the operation of the remainder of this act in its application to

1 the agencies concerned. Rules adopted under this act must meet federal
2 requirements that are a necessary condition to the receipt of federal
3 funds by the state.

4 NEW SECTION. **Sec. 6.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 7.** This act takes effect September 1, 2011.

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