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**SUBSTITUTE SENATE BILL 6088**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senator Braun)

AN ACT Relating to K-12 education enhancements; amending RCW 28A.150.261; reenacting and amending RCW 28A.150.260; creating a new section; providing an effective date; and providing for submission of this act to a vote of the people.

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

NEW SECTION. **Sec.**  (1) The purpose of this act is to continue the legislature's effort to address in good faith the issues identified in *McCleary v. State*, 173 Wn.2d 477 (2012). The legislature recognizes that achieving improved student performance is not simply a function of adding more fiscal resources. Making real improvement in student outcomes is achieved by constantly reviewing, evaluating, and implementing the best and most cost-effective strategies for the delivery of K-12 public school instruction. The legislature intends to fulfill the state's obligation under Article IX of the state Constitution and to partner with school districts in serving students.

(2) The legislature intends to continue to make changes to the program of basic education in those areas where emerging research and evidence demonstrate that better and more efficient strategies are available to help students succeed. This act revises certain provisions of chapter 548, Laws of 2009 (Engrossed Substitute House Bill No. 2261), chapter 236, Laws of 2010 (Substitute House Bill No. 2776), and chapter 2, Laws of 2015 (Initiative Measure No. 1351) as a result of the best available and current information indicating the most effective and research-based practices that are also cost-beneficial education investments. It is the intent of the legislature that the additional K-12 investments between 2013 and 2018 to meet the state's funding obligations will be based on the current information of the most cost-effective K-12 investments.

(3) The legislature finds, as a result of evidence-based research, that the greatest improvements in student outcomes in the common schools can be achieved by focusing the investment of state fiscal resources in these areas:

(a) The reduction of class sizes in kindergarten through third grade;

(b) Increased access and support from guidance counselors;

(c) Additional support for parent involvement coordinators to increase family engagement;

(d) The reduction of class sizes in high school laboratory science classes to meet the new requirements for a more rigorous high school diploma;

(e) Additional support for the transitional bilingual instruction program for students learning English as a second language; and

(f) Remediation through the learning assistance program for struggling students to ensure that third grade students are reading at grade level.

**Sec.**  RCW 28A.150.260 and 2015 c 2 s 2 (Initiative Measure No. 1351) and 2014 c 217 s 206 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

General education

average

class size

Grades K-3 17.0

Grade 4 ((~~25.0~~)) 27.00

Grades 5-6 ((~~25.0~~)) 27.00

Grades 7-8 ((~~25.0~~)) 28.53

Grades 9-12 ((~~25.0~~)) 28.74

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

Laboratory science

average class size

Grades 9-12 19.98

(b) ((~~During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.~~

~~(c)~~)) 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 ((~~19.0~~)) 26.57

Skill center programs meeting the standards established

by the office of the superintendent of public

instruction ((~~16.0~~)) 22.76

((~~(d)~~)) (c) In addition, the omnibus appropriations act shall at a minimum specify a specialty average class size for advanced placement and international baccalaureate courses.

((~~(e)~~)) (d) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education average

class size in

high poverty

Grades K-3 ((~~15.0~~)) 17.00

Grade 4 ((~~22.0~~)) 27.00

Grades 5-6 ((~~23.0~~)) 27.00

Grades 7-8 ((~~23.0~~)) 28.53

Grades 9-12 ((~~23.0~~)) 28.74

((~~(f)~~)) (e)(i) Funding for average kindergarten through third grade class sizes in this subsection (4) shall be provided only to the extent of, and proportionate to, the school district's demonstrated actual kindergarten through third grade average class size, up to the funded class sizes.

(ii) ((~~Districts that demonstrate capital facility needs that prevent them from reducing actual class sizes to funded levels, may use funding in this subsection (4) for school-based personnel who provide direct services to students. Districts that use this funding for purposes other than reducing actual class sizes must annually report the number and dollar value for each type of personnel funded by school and grade level.~~

~~(iii)~~)) The office of the superintendent of public instruction shall develop rules to implement this subsection (4).

(5) The minimum allocation for each level of prototypical school shall include allocations necessary for the safe and effective operation of a school, to meet individual student needs, and to ensure all required school functions can be performed by appropriately trained personnel, 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  | ((~~1.3~~))1.253 | ((~~1.4~~)) 1.353 | ((~~1.9~~)) 1.880 |
| Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs  | ((~~1.0~~))0.663 | ((~~1.0~~)) 0.519 | ((~~1.0~~)) 0.523 |
| Health and social services: |  |  |  |
| School nurses  | ((~~0.585~~))0.076 | ((~~0.888~~)) 0.060 | ((~~0.824~~)) 0.096 |
| Social workers  | ((~~0.311~~))0.042 | ((~~0.088~~)) 0.006 | ((~~0.127~~)) 0.015 |
| Psychologists  | ((~~0.104~~))0.017 | ((~~0.024~~)) 0.002 | ((~~0.049~~)) 0.007 |
| Guidance counselors, a function that includes parent outreach and graduation advising  | ((~~0.50~~))0.493 | ((~~2.0~~)) 1.216 | ((~~3.5~~)) 2.539 |
| Teaching assistance, including any aspect of educational instructional services provided by classified employees  | ((~~2.0~~))0.936 | ((~~1.0~~)) 0.700 | ((~~1.0~~)) 0.652 |
| Office support and other noninstructional aides  | ((~~3.0~~))2.012 | ((~~3.5~~)) 2.325 | ((~~3.5~~)) 3.269 |
| Custodians  | ((~~1.7~~))1.657 | ((~~2.0~~)) 1.942 | ((~~3.0~~)) 2.965 |
| Classified staff providing student and staff safety  | ((~~0.0~~))0.079 | ((~~0.7~~)) 0.092 | ((~~1.3~~)) 0.141 |
| Parent involvement coordinators  | ((~~1.0~~))0.0825 | ((~~1.0~~))0.00 | ((~~1.0~~))0.00 |

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

Staff per 1,000

K-12 students

Technology ((~~2.8~~)) 0.628

Facilities, maintenance, and grounds ((~~4.0~~)) 1.813

Warehouse, laborers, and mechanics ((~~1.9~~)) 0.332

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

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

(8)(a) Except as provided in (b) and (c) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the 2008-09 school year:

Per annual average

full-time equivalent student

in grades K-12

Technology $54.43

Utilities and insurance $147.90

Curriculum and textbooks $58.44

Other supplies and library materials $124.07

Instructional professional development for certified and

classified staff $9.04

Facilities maintenance $73.27

Security and central office $50.76

(b) During the 2011-2013 biennium, the minimum allocation for maintenance, supplies, and operating costs shall be increased as specified in the omnibus appropriations act. The following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2015-16 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average

full-time equivalent student

in grades K-12

Technology $113.80

Utilities and insurance $309.21

Curriculum and textbooks $122.17

Other supplies and library materials $259.39

Instructional professional development for certificated and

classified staff $18.89

Facilities maintenance $153.18

Security and central office administration $106.12

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

Per annual average

full-time equivalent student

in grades 9-12

Technology $36.35

Curriculum and textbooks $39.02

Other supplies and library materials $82.84

Instructional professional development for certificated and

classified staff $6.04

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

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

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

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

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

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, ((~~1.5156~~)) 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English((~~,~~)):

(A) Allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

(B) Allocations shall be provided for exited pupils, as defined in RCW 28A.180.030, for up to two years of instructional support immediately after the pupils exit the program. Instructional support includes assistance reaching grade-level performance in academic subjects even though the pupils have achieved English proficiency for purposes of the transitional bilingual instruction program. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher based on the head count of students who exited the program within the prior two years based on their performance on the English proficiency assessment.

(ii) Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on ((~~two and three hundred fourteen one-thousandths~~)) three percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, ((~~2.1590~~)) 3.0 hours per week in extra instruction with fifteen highly capable program students per teacher.

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

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

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

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

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

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

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

**Sec.**  RCW 28A.150.261 and 2015 c 2 s 3 (Initiative Measure No. 1351) are each amended to read as follows:

In order to make measurable progress toward implementing the provisions of section 2, chapter 2, Laws of 2015, as amended by section 2, chapter . . ., Laws of 2015 (section 2 of this act), by September 1, 2017, the legislature shall increase state funding allocations under RCW 28A.150.260 according to the following schedule:

(1) For the 2015-2017 biennium, funding allocations shall be no less than fifty percent of the difference between the funding necessary to support the numerical values under RCW 28A.150.260 as of September 1, 2013, and the funding necessary to support the numerical values under section 2, chapter 2, Laws of 2015, as amended by section 2, chapter . . ., Laws of 2015 (section 2 of this act), with priority for additional funding provided during this biennium for the highest poverty schools and school districts;

(2) By the end of the 2017-2019 biennium and thereafter, funding allocations shall be no less than the funding necessary to support the numerical values under section 2, chapter 2, Laws of 2015, as amended by section 2, chapter . . ., Laws of 2015 (section 2 of this act).

NEW SECTION. **Sec.**  Section 2 of this act takes effect September 1, 2018.

NEW SECTION. **Sec.**  The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

**--- END ---**