

SHB 2776 - S COMM AMD

By Committee on Ways & Means

ADOPTED AND ENGROSSED 03/04/2010

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

3 "NEW SECTION. **Sec. 1.** (1) It is the legislature's intent to
4 continue implementation of chapter 548, Laws of 2009, by adopting the
5 technical details of a new distribution formula for the instructional
6 program of basic education. The legislature intends to continue to
7 review and revise the formulas and may make revisions as necessary for
8 technical purposes and consistency in the event of mathematical or
9 other technical errors.

10 (2) The legislature further intends to adjust the timelines for the
11 working groups created under chapter 548, Laws of 2009, so that their
12 expertise and advice can be received as soon as possible and to make
13 adjustments to the composition of the local finance working group. The
14 legislature further intends to clarify the legislature's intent to
15 fully fund all-day kindergarten by the 2018-19 school year.

16 **Sec. 2.** RCW 28A.150.315 and 2009 c 548 s 107 are each amended to
17 read as follows:

18 (1) Beginning with the 2007-08 school year, funding for voluntary
19 all-day kindergarten programs shall be phased-in beginning with schools
20 with the highest poverty levels, defined as those schools with the
21 highest percentages of students qualifying for free and reduced-price
22 lunch support in the prior school year. The funding shall continue to
23 be phased-in until full statewide implementation of all-day
24 kindergarten is achieved in the 2018-19 school year. Once a school
25 receives funding for the all-day kindergarten program, that school
26 shall remain eligible for funding in subsequent school years regardless
27 of changes in the school's percentage of students eligible for free and
28 reduced-price lunches as long as other program requirements are

1 fulfilled. Additionally, schools receiving all-day kindergarten
2 program support shall agree to the following conditions:

3 (a) Provide at least a one thousand-hour instructional program;

4 (b) Provide a curriculum that offers a rich, varied set of
5 experiences that assist students in:

6 (i) Developing initial skills in the academic areas of reading,
7 mathematics, and writing;

8 (ii) Developing a variety of communication skills;

9 (iii) Providing experiences in science, social studies, arts,
10 health and physical education, and a world language other than English;

11 (iv) Acquiring large and small motor skills;

12 (v) Acquiring social and emotional skills including successful
13 participation in learning activities as an individual and as part of a
14 group; and

15 (vi) Learning through hands-on experiences;

16 (c) Establish learning environments that are developmentally
17 appropriate and promote creativity;

18 (d) Demonstrate strong connections and communication with early
19 learning community providers; and

20 (e) Participate in kindergarten program readiness activities with
21 early learning providers and parents.

22 (2) Subject to funds appropriated for this purpose, the
23 superintendent of public instruction shall designate one or more school
24 districts to serve as resources and examples of best practices in
25 designing and operating a high-quality all-day kindergarten program.
26 Designated school districts shall serve as lighthouse programs and
27 provide technical assistance to other school districts in the initial
28 stages of implementing an all-day kindergarten program. Examples of
29 topics addressed by the technical assistance include strategic
30 planning, developing the instructional program and curriculum, working
31 with early learning providers to identify students and communicate with
32 parents, and developing kindergarten program readiness activities.

33 **Sec. 3.** 2009 c 548 s 302 (uncodified) is amended to read as
34 follows:

35 (1) Beginning ((July)) April 1, 2010, the office of financial
36 management, with assistance and support from the office of the

1 superintendent of public instruction, shall convene a technical working
2 group to develop options for a new system of supplemental school
3 funding through local school levies and local effort assistance.

4 (2) The working group shall consider the impact on overall school
5 district revenues of the new basic education funding system established
6 (~~under this act~~) by the legislature based on prototypical schools and
7 shall recommend a phase-in plan that ensures that no school district
8 suffers a decrease in funding from one school year to the next due to
9 implementation of the new system of supplemental funding.

10 (3) The working group shall also:

11 (a) Examine local school district capacity to address facility
12 needs associated with phasing-in full-day kindergarten across the state
13 and reducing class size in kindergarten through third grade;

14 (b) Provide technical advice to the quality education council
15 including an analysis on the potential use of local funds that may
16 become available for redeployment and redirection as a result of
17 increased state funding allocations for pupil transportation and
18 maintenance, supplies, and operating costs; and

19 (c) Advise the quality education council and the legislature on
20 further development and implementation of the funding formulas under
21 RCW 28A.150.260, as appropriate.

22 (4) The working group shall be composed of representatives from the
23 department of revenue, the legislative evaluation and accountability
24 program committee, school district and educational service district
25 financial managers, and representatives of the Washington association
26 of school business officers, the Washington education association, the
27 Washington association of school administrators, the association of
28 Washington school principals, the Washington state school directors'
29 association, the public school employees of Washington, and other
30 interested stakeholders with expertise in education finance. When
31 choosing the individuals to serve on the working group, the office of
32 financial management and the office of the superintendent of public
33 instruction are encouraged, as appropriate, to include members of the
34 funding formula technical working group convened in accordance with
35 section 112, chapter 548, Laws of 2009. The working group may convene
36 advisory subgroups on specific topics as necessary to assure
37 participation and input from a broad array of diverse stakeholders. In
38 addition to the staff support provided by the office of financial

1 management and the office of the superintendent of public instruction,
2 the department of revenue shall provide technical assistance, including
3 financial and legal analysis, to support the working group's findings
4 and analysis under subsection (3) of this section.

5 ((+4)) (5) The local funding working group shall be monitored and
6 overseen by the legislature and by the quality education council
7 created in ((section 114 of this act)) RCW 28A.290.010. The working
8 group shall submit an initial report to the legislature ((December 1))
9 and the quality education council by November 30, 2010, and a final
10 report by June 30, 2011.

11 **Sec. 4.** RCW 43.41.398 and 2009 c 548 s 601 are each amended to
12 read as follows:

13 (1) The legislature recognizes that providing students with the
14 opportunity to access a world-class educational system depends on our
15 continuing ability to provide students with access to world-class
16 educators. The legislature also understands that continuing to attract
17 and retain the highest quality educators will require increased
18 investments. The legislature intends to enhance the current salary
19 allocation model and recognizes that changes to the current model
20 cannot be imposed without great deliberation and input from teachers,
21 administrators, and classified employees. Therefore, it is the intent
22 of the legislature to begin the process of developing an enhanced
23 salary allocation model that is collaboratively designed to ensure the
24 rationality of any conclusions regarding what constitutes adequate
25 compensation.

26 (2) Beginning July 1, 2011, the office of financial management in
27 collaboration with the office of the superintendent of public
28 instruction, shall convene a technical working group to recommend the
29 details of an enhanced salary allocation model that aligns state
30 expectations for educator development and certification with the
31 compensation system and establishes recommendations for a concurrent
32 implementation schedule. In addition to any other details the
33 technical working group deems necessary, the technical working group
34 shall make recommendations on the following:

35 (a) How to reduce the number of tiers within the existing salary
36 allocation model;

37 (b) How to account for labor market adjustments;

1 (c) How to account for different geographic regions of the state
2 where districts may encounter difficulty recruiting and retaining
3 teachers;

4 (d) The role of and types of bonuses available;

5 (e) Ways to accomplish salary equalization over a set number of
6 years; and

7 (f) Initial fiscal estimates for implementing the recommendations
8 including a recognition that staff on the existing salary allocation
9 model would have the option to grandfather in permanently to the
10 existing schedule.

11 (3) As part of its work, the technical working group shall conduct
12 or contract for a preliminary comparative labor market analysis of
13 salaries and other compensation for school district employees to be
14 conducted and shall include the results in any reports to the
15 legislature. For the purposes of this subsection, "salaries and other
16 compensation" includes average base salaries, average total salaries,
17 average employee basic benefits, and retirement benefits.

18 (4) The analysis required under subsection (1) of this section
19 must:

20 (a) Examine salaries and other compensation for teachers, other
21 certificated instructional staff, principals, and other building-level
22 certificated administrators, and the types of classified employees for
23 whom salaries are allocated;

24 (b) Be calculated at a statewide level that identifies labor
25 markets in Washington through the use of data from the United States
26 bureau of the census and the bureau of labor statistics; and

27 (c) Include a comparison of salaries and other compensation to the
28 appropriate labor market for at least the following subgroups of
29 educators: Beginning teachers and types of educational staff
30 associates.

31 (5) The working group shall include representatives of the
32 department of personnel, the professional educator standards board, the
33 office of the superintendent of public instruction, the Washington
34 education association, the Washington association of school
35 administrators, the association of Washington school principals, the
36 Washington state school directors' association, the public school
37 employees of Washington, and other interested stakeholders with
38 appropriate expertise in compensation related matters. The working

1 group may convene advisory subgroups on specific topics as necessary to
2 assure participation and input from a broad array of diverse
3 stakeholders.

4 (6) The working group shall be monitored and overseen by the
5 legislature and the quality education council created in RCW
6 28A.290.010. The working group shall make an initial report to the
7 legislature by December 1, 2012, and shall include in its report
8 recommendations for whether additional further work of the group is
9 necessary.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300
11 RCW to read as follows:

12 The office of the superintendent of public instruction shall
13 implement and maintain an internet-based portal that provides ready
14 public access to the state's prototypical school funding model for
15 basic education under RCW 28A.150.260. The portal must provide
16 citizens the opportunity to view, for each local school building, the
17 staffing levels and other prototypical school funding elements that are
18 assumed under the state funding formula. The portal must also provide
19 a matrix displaying how individual school districts are deploying those
20 same state resources through their allocation of staff and other
21 resources to school buildings, so that citizens are able to compare the
22 state assumptions to district allocation decisions for each local
23 school building.

24 NEW SECTION. **Sec. 6.** The legislature intends to continue to
25 refine and provide greater detail to the distribution formula for the
26 basic education instructional allocation, which shall be based on
27 minimum staffing and nonstaff costs that the legislature deems
28 necessary to support instruction and operations in prototypical schools
29 as defined by the legislature. The legislature expects that the
30 detailed prototype school model will bring greater transparency,
31 understanding, and public accountability to the funding system because
32 it displays funding assumptions in understandable terms centered on the
33 operations of school buildings.

34 **Sec. 7.** RCW 28A.150.260 and 2009 c 548 s 106 are each amended to
35 read as follows:

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

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

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

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

1 to the extent that data is available. The allocations shall be further
2 adjusted from the school prototypes with minimum allocations for small
3 schools and to reflect other factors identified in the omnibus
4 appropriations act.

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

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

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

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

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

	<u>General education</u>
	<u>average</u>
	<u>class size</u>
26 <u>Grades K-3</u>	<u>25.23</u>
27 <u>Grade 4</u>	<u>27.00</u>
28 <u>Grades 5-6</u>	<u>27.00</u>
29 <u>Grades 7-8</u>	<u>28.53</u>
30 <u>Grades 9-12, except in cases when lower average class sizes</u>	
31 <u>are specified for approved career and technical education</u>	
32 <u>programs and skill centers</u>	<u>28.74</u>

33 (b) The minimum allocation for each prototypical middle and high
34 school shall also provide for full-time equivalent classroom teachers
35 based on the following number of full-time equivalent students per
36 teacher in career and technical education:

37 Career and technical

education average

class size

1

2

3 Approved career and technical education offered at

4 the middle school and high school level 26.57

5 Skill center programs meeting the standards established

6 by the office of the superintendent of public instruction 22.76

7 (c) According to an implementation schedule adopted by the

8 legislature, the omnibus appropriations act shall at a minimum specify:

9 ~~(i) ((Basic average class size;~~

10 ~~(ii) Basic)) A high-poverty average class size in schools where~~

11 ~~more than fifty percent of the students are eligible for free and~~

12 ~~reduced-price meals; and~~

13 ~~((iii)) (ii) A specialty average class size for ((exploratory and~~

14 ~~preparatory career and technical education,)) laboratory science,~~

15 ~~advanced placement, and international baccalaureate courses((; and~~

16 ~~(iv) Average class size in grades kindergarten through three)).~~

17 ~~((d)) (5)(a) The minimum allocation for each level of~~

18 ~~prototypical school shall include allocations for the following types~~

19 ~~of staff in addition to classroom teachers:~~

20 ~~((i) Principals, including assistant principals, and other~~

21 ~~certificated building level administrators;~~

22 ~~(ii) Teacher librarians, performing functions including information~~

23 ~~literacy, technology, and media to support school library media~~

24 ~~programs;~~

25 ~~(iii) Student health services, a function that includes school~~

26 ~~nurses, whether certificated instructional or classified employee, and~~

27 ~~social workers;~~

28 ~~(iv) Guidance counselors, performing functions including parent~~

29 ~~outreach and graduation advisor;~~

30 ~~(v) Professional development coaches;~~

31 ~~(vi) Teaching assistance, which includes any aspect of educational~~

32 ~~instructional services provided by classified employees;~~

33 ~~(vii) Office support, technology support, and other~~

34 ~~noninstructional aides;~~

35 ~~(viii) Custodians, warehouse, maintenance, laborer, and~~

36 ~~professional and technical education support employees; and~~

37 ~~(ix) Classified staff providing student and staff safety.~~

38 ~~(4)(a))~~

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
	<u>School</u>	<u>School</u>	<u>School</u>
<u>Principals, assistant principals, and other certificated building-level administrators, except administrators for approved career and technical programs and skill centers.....</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs.....</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
<u>Health and social services:</u>			
<u>School nurses.....</u>	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
<u>Social workers.....</u>	<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
<u>Psychologists.....</u>	<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
<u>Guidance counselors, a function that includes parent outreach and graduation advising.....</u>	<u>0.493</u>	<u>1.116</u>	<u>1.909</u>
<u>Professional development coaches.....</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Teaching assistance, including any aspect of educational instructional services provided by classified employees.....</u>	<u>0.917</u>	<u>0.685</u>	<u>0.638</u>
<u>Office support and other noninstructional aides.....</u>	<u>1.971</u>	<u>2.277</u>	<u>3.201</u>
<u>Custodians.....</u>	<u>1.622</u>	<u>1.902</u>	<u>2.903</u>
<u>Classified staff providing student and staff safety.....</u>	<u>0.077</u>	<u>0.090</u>	<u>0.138</u>
<u>Parent involvement coordinators.....</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>

21 (b) For career and technical education programs approved by the
22 superintendent of public instruction, the minimum allocation for
23 administrative staff shall be allocated at 0.410 per one hundred full-
24 time equivalent career and technical education students and for other
25 school-level certificated staff at 0.202 per one hundred full-time
26 equivalent career and technical education students, regardless of the
27 grade level at which the program is delivered, in lieu of the
28 certificated allocations in (a) of this subsection.

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

1 equivalent student enrollment (~~(in)~~) for each of the following: (i)
2 Exploratory career and technical education courses for students in
3 grades seven through twelve; (ii) laboratory science courses for
4 students in grades nine through twelve; (iii) preparatory career and
5 technical education courses for students in grades nine through twelve
6 offered in a high school; and (iv) preparatory career and technical
7 education courses for students in grades eleven and twelve offered
8 through a skill center.

9 ~~((+5))~~ (8) In addition to the allocations otherwise provided under
10 ~~((subsections (3) and (4) of))~~ this section ~~((shall be enhanced as~~
11 ~~follows to provide additional allocations for classroom teachers and~~
12 ~~maintenance, supplies, and operating costs))~~ amounts shall be provided
13 to support the following programs and services:

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

27 (b) To provide supplemental instruction and services for students
28 whose primary language is other than English, allocations shall be
29 based on the head count number of students in each school who are
30 eligible for and enrolled in the transitional bilingual instruction
31 program under RCW 28A.180.010 through 28A.180.080. The minimum
32 allocation for each level of prototypical school shall provide ~~((for~~
33 ~~supplemental instruction based on percent of the school day a student~~
34 ~~is assumed to receive supplemental instruction and a per student~~
35 ~~allocation for maintenance, supplies, and operating costs))~~ resources
36 to provide, on a statewide average, 4.7780 hours per week in extra
37 instruction with fifteen transitional bilingual instruction program

1 students per teacher and zero hours per week of instruction during
2 vacation periods.

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

15 ~~((7))~~ (9) The allocations under subsections ~~((3)(b), (c)(i), and~~
16 ~~(d), (4), and (8))~~ (4)(a), (5)(a), (6), and (7) of this section shall
17 be enhanced as provided under RCW 28A.150.390 on an excess cost basis
18 to provide supplemental instructional resources for students with
19 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))~~ (10)(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 preparatory
35 career and technical education courses shall be provided only for
36 courses approved by the office of the superintendent of public
37 instruction under chapter 28A.700 RCW.

1 ~~((10))~~ (11)(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. 8.** 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 medical~~
34 ~~assistance and private funds accruing under RCW 74.09.5249 through~~
35 ~~74.09.5253 and 74.09.5254 through 74.09.5256))~~ (4)(a), (5)(a), (6), and
36 (7).

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

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

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

12 (3) As used in this section:

13 (a) "Base allocation" means the total state allocation to all
14 schools in the district generated by the distribution formula under RCW
15 28A.150.260 (~~((3)(b), (c)(i), and (d), (4), and (8))~~) (4)(a), (5)(a),
16 (6), and (7), to be divided by the district's full-time equivalent
17 enrollment.

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

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

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

30 **Sec. 9.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to
31 read as follows:

32 (1) The legislature shall establish for each school year in the
33 appropriations act a statewide salary allocation schedule, for
34 allocation purposes only, to be used to distribute funds for basic
35 education certificated instructional staff salaries under RCW
36 28A.150.260. For the purposes of this section, the staff allocations
37 for classroom teachers, teacher librarians, professional development

1 coaches, guidance counselors, and student health services staff under
2 RCW 28A.150.260 are considered allocations for certificated
3 instructional staff.

4 (2) Salary allocations for state-funded basic education
5 certificated instructional staff shall be calculated by the
6 superintendent of public instruction by determining the district's
7 average salary for certificated instructional staff, using the
8 statewide salary allocation schedule and related documents, conditions,
9 and limitations established by the omnibus appropriations act.

10 (3) Beginning January 1, 1992, no more than ninety college quarter-
11 hour credits received by any employee after the baccalaureate degree
12 may be used to determine compensation allocations under the state
13 salary allocation schedule and LEAP documents referenced in the omnibus
14 appropriations act, or any replacement schedules and documents, unless:

- 15 (a) The employee has a master's degree; or
- 16 (b) The credits were used in generating state salary allocations
17 before January 1, 1992.

18 (4) Beginning in the 2007-08 school year, the calculation of years
19 of service for occupational therapists, physical therapists, speech-
20 language pathologists, audiologists, nurses, social workers,
21 counselors, and psychologists regulated under Title 18 RCW may include
22 experience in schools and other nonschool positions as occupational
23 therapists, physical therapists, speech-language pathologists,
24 audiologists, nurses, social workers, counselors, or psychologists.
25 The calculation shall be that one year of service in a nonschool
26 position counts as one year of service for purposes of this chapter, up
27 to a limit of two years of nonschool service. Nonschool years of
28 service included in calculations under this subsection shall not be
29 applied to service credit totals for purposes of any retirement benefit
30 under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement
31 system benefits.

32 **Sec. 10.** RCW 28A.150.100 and 1990 c 33 s 103 are each amended to
33 read as follows:

34 (1) For the purposes of this section and RCW 28A.150.410 and
35 28A.400.200, "basic education certificated instructional staff"
36 (~~shall~~) means all full-time equivalent classroom teachers, teacher
37 librarians, guidance counselors, certificated student health services

1 staff, and other certificated instructional staff in the following
2 programs as defined for statewide school district accounting purposes:
3 Basic education, secondary vocational education, general instructional
4 support, and general supportive services.

5 (2) (~~In the 1988-89 school year and thereafter,~~) Each school
6 district shall maintain a ratio of at least forty-six basic education
7 certificated instructional staff to one thousand annual average full
8 time equivalent students.

9 **Sec. 11.** 2009 c 548 s 710 (uncodified) is amended to read as
10 follows:

11 (1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969
12 ex.s. c 223 s 28A.01.010;

13 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
14 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
15 1973 1st ex.s. c 105 s 1;

16 (3) (~~RCW 28A.150.100 (Basic education certificated instructional
17 staff Definition Ratio to students) and 1990 c 33 s 103 & 1987 1st
18 ex.s. c 2 s 203;~~

19 ~~(4))~~ RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33
20 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118
21 s 22, & 1969 ex.s. c 223 s 28A.01.020;

22 ~~((+5))~~ (4) RCW 28A.150.370 (Additional programs for which
23 legislative appropriations must or may be made) and 1995 c 335 s 102,
24 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s.
25 c 359 s 7; and

26 ~~((+6))~~ (5) RCW 28A.155.180 (Safety net funds--Application--
27 Technical assistance--Annual survey) and 2007 c 400 s 8.

28 **Sec. 12.** 2009 c 548 s 804 (uncodified) is amended to read as
29 follows:

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

32 NEW SECTION. **Sec. 13.** If any part of this act is found to be in
33 conflict with federal requirements that are a prescribed condition to
34 the allocation of federal funds to the state, the conflicting part of
35 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not
2 affect the operation of the remainder of this act in its application to
3 the agencies concerned. Rules adopted under this act must meet federal
4 requirements that are a necessary condition to the receipt of federal
5 funds by the state.

6 NEW SECTION. **Sec. 14.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 15.** Sections 6 through 13 of this act take
11 effect September 1, 2011.

12 NEW SECTION. **Sec. 16.** Section 3 of this act is necessary for the
13 immediate preservation of the public peace, health, or safety, or
14 support of the state government and its existing public institutions,
15 and takes effect immediately."

SHB 2776 - S COMM AMD
By Committee on Ways & Means

ADOPTED AND ENGROSSED 03/04/2010

16 On page 1, line 2 of the title, after "education;" strike the
17 remainder of the title and insert "amending RCW 28A.150.315, 43.41.398,
18 28A.150.260, 28A.150.390, 28A.150.410, and 28A.150.100; amending 2009
19 c 548 s 302 (uncodified); amending 2009 c 548 s 710 (uncodified);
20 amending 2009 c 548 s 804 (uncodified); adding a new section to chapter
21 28A.300 RCW; creating new sections; providing an effective date; and
22 declaring an emergency."

--- END ---