
SENATE BILL 5475

State of Washington

62nd Legislature

2011 Regular Session

By Senator Murray; by request of Office of Financial Management

Read first time 01/26/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to education funding; amending RCW 28A.150.220,
2 28A.150.260, 28A.150.315, 28A.185.010, and 28A.185.020; creating a new
3 section; repealing 2010 c 236 s 1 (uncodified); and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** It is the legislature's intent to continue
7 implementation of chapter 548, Laws of 2009, and to fully implement by
8 2018 a redefined program of basic education and funding. The
9 legislature intends to build on previous efforts by implementing
10 funding formulas for the learning assistance program, transitional
11 bilingual instruction, and pupil transportation. Consistent with RCW
12 28A.150.198 and section 2, chapter 548, Laws of 2009, the legislature
13 intends to develop a realistic and practical implementation schedule
14 for certain phased-in enhancements that once fully implemented will
15 constitute the legislature's definition of basic education under
16 Article IX of the state Constitution. Finally, the legislature intends
17 to continue to review and revise the formulas and schedules and may
18 make additional revisions, including revisions for technical purposes
19 and consistency in the event of mathematical or other technical errors.

1 **Sec. 2.** RCW 28A.150.220 and 2009 c 548 s 104 are each amended to
2 read as follows:

3 (1) In order for students to have the opportunity to develop the
4 basic education knowledge and skills under RCW 28A.150.210, school
5 districts must provide instruction of sufficient quantity and quality
6 and give students the opportunity to complete graduation requirements
7 that are intended to prepare them for postsecondary education, gainful
8 employment, and citizenship. The program established under this
9 section shall be the minimum instructional program of basic education
10 offered by school districts.

11 (2) Each school district shall make available to students the
12 following minimum instructional offering each school year:

13 (a) For students enrolled in grades one through twelve, at least a
14 district-wide annual average of one thousand hours, which shall be
15 increased to at least one thousand eighty instructional hours for
16 students enrolled in each of grades seven through twelve and at least
17 one thousand instructional hours for students in each of grades one
18 through six according to an implementation schedule adopted by the
19 legislature; and

20 (b) For students enrolled in kindergarten, at least four hundred
21 fifty instructional hours, which shall be increased to at least one
22 thousand instructional hours according to the implementation schedule
23 under RCW 28A.150.315.

24 (3) The instructional program of basic education provided by each
25 school district shall include:

26 (a) Instruction in the essential academic learning requirements
27 under RCW 28A.655.070;

28 (b) Instruction that provides students the opportunity to complete
29 twenty-four credits for high school graduation, subject to a phased-in
30 implementation of the twenty-four credits as established by the
31 legislature. Course distribution requirements may be established by
32 the state board of education under RCW 28A.230.090;

33 (c) If the essential academic learning requirements include a
34 requirement of languages other than English, the requirement may be met
35 by students receiving instruction in one or more American Indian
36 languages;

37 (d) Supplemental instruction and services for underachieving

1 students through the learning assistance program under RCW 28A.165.005
2 through 28A.165.065;

3 (e) Supplemental instruction and services for eligible and enrolled
4 students whose primary language is other than English through the
5 transitional bilingual instruction program under RCW 28A.180.010
6 through 28A.180.080;

7 (f) The opportunity for an appropriate education at public expense
8 as defined by RCW 28A.155.020 for all eligible students with
9 disabilities as defined in RCW 28A.155.020; and

10 (g) Beginning with the 2013-14 school year, programs for highly
11 capable students under RCW 28A.185.010 through 28A.185.030.

12 (4) Nothing contained in this section shall be construed to require
13 individual students to attend school for any particular number of hours
14 per day or to take any particular courses.

15 (5) Each school district's kindergarten through twelfth grade basic
16 educational program shall be accessible to all students who are five
17 years of age, as provided by RCW 28A.225.160, and less than twenty-one
18 years of age and shall consist of a minimum of one hundred eighty
19 school days per school year in such grades as are conducted by a school
20 district, and one hundred eighty half-days of instruction, or
21 equivalent, in kindergarten, to be increased to a minimum of one
22 hundred eighty school days per school year according to the
23 implementation schedule under RCW 28A.150.315. However, effective May
24 1, 1979, a school district may schedule the last five school days of
25 the one hundred and eighty day school year for noninstructional
26 purposes in the case of students who are graduating from high school,
27 including, but not limited to, the observance of graduation and early
28 release from school upon the request of a student, and all such
29 students may be claimed as a full-time equivalent student to the extent
30 they could otherwise have been so claimed for the purposes of RCW
31 28A.150.250 and 28A.150.260.

32 (6) Nothing in this section precludes a school district from
33 enriching the instructional program of basic education, such as
34 offering additional instruction or providing additional services,
35 programs, or activities that the school district determines to be
36 appropriate for the education of the school district's students.

37 (7) The state board of education shall adopt rules to implement and

1 ensure compliance with the program requirements imposed by this
2 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
3 program approval requirements as the state board may establish.

4 **Sec. 3.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to
5 read as follows:

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

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

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

26 (3)(a) To the extent the technical details of the formula have been
27 adopted by the legislature and except when specifically provided as a
28 school district allocation, the distribution formula for the basic
29 education instructional allocation shall be based on minimum staffing
30 and nonstaff costs the legislature deems necessary to support
31 instruction and operations in prototypical schools serving high,
32 middle, and elementary school students as provided in this section.
33 The use of prototypical schools for the distribution formula does not
34 constitute legislative intent that schools should be operated or
35 structured in a similar fashion as the prototypes. Prototypical
36 schools illustrate the level of resources needed to operate a school of
37 a particular size with particular types and grade levels of students

1 using commonly understood terms and inputs, such as class size, hours
2 of instruction, and various categories of school staff. It is the
3 intent that the funding allocations to school districts be adjusted
4 from the school prototypes based on the actual number of annual average
5 full-time equivalent students in each grade level at each school in the
6 district and not based on the grade-level configuration of the school
7 to the extent that data is available. The allocations shall be further
8 adjusted from the school prototypes with minimum allocations for small
9 schools and to reflect other factors identified in the omnibus
10 appropriations act.

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

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

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

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

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

	General education average class size
31 Grades K-3	25.23
32 Grade 4	27.00
33 Grades 5-6	27.00
34 Grades 7-8	28.53
35 Grades 9-12	28.74

36 (b) (~~During the 2011-2013 biennium and~~) Beginning with schools
37 with the highest percentage of students eligible for free and reduced-
38 price meals in the prior school year, the general education average

1 class size for grades K-3 shall be reduced until the average class size
 2 funded under this subsection (4) is no more than 17.0 full-time
 3 equivalent students per teacher beginning in the 2017-18 school year.

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

	Career and technical education average class size
8	
9	
10	
11	
12	26.57
13	
14	
15	22.76

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

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

21 (ii) A specialty average class size for laboratory science,
 22 advanced placement, and international baccalaureate courses.

23 (5) The minimum allocation for each level of prototypical school
 24 shall include allocations for the following types of staff in addition
 25 to classroom teachers:
 26

	Elementary School	Middle School	High School
27			
28			
29			
30	1.253	1.353	1.880
31			
32	0.663	0.519	0.523
33			
34	0.076	0.060	0.096
35	0.042	0.006	0.015

1	Psychologists.....	0.017	0.002	0.007
2	Guidance counselors, a function that includes parent outreach and			
3	graduation advising.....	0.493	1.116	1.909
4	Teaching assistance, including any aspect of educational instructional			
5	services provided by classified employees.....	0.936	0.700	0.652
6	Office support and other noninstructional aides.....	2.012	2.325	3.269
7	Custodians.....	1.657	1.942	2.965
8	Classified staff providing student and staff safety.....	0.079	0.092	0.141
9	Parent involvement coordinators.....	0.00	0.00	0.00

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

14			Staff per 1,000	
15			K-12 students	
16	Technology			0.628
17	Facilities, maintenance, and grounds			1.813
18	Warehouse, laborers, and mechanics			0.332

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

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

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

33			Per annual average	
34			full-time equivalent student	
35			in grades K-12	
36	Technology			\$54.43

1	Utilities and insurance	\$147.90
2	Curriculum and textbooks	\$58.44
3	Other supplies and library materials	\$124.07
4	Instructional professional development for certified and	
5	classified staff	\$9.04
6	Facilities maintenance	\$73.27
7	Security and central office	\$50.76

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

15		Per annual average
16		full-time equivalent student
17		in grades K-12
18	Technology	\$113.80
19	Utilities and insurance	\$309.21
20	Curriculum and textbooks	\$122.17
21	Other supplies and library materials	\$259.39
22	Instructional professional development for certificated and	
23	classified staff	\$18.89
24	Facilities maintenance	\$153.18
25	Security and central office administration	\$106.12

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

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

31 (b) Laboratory science courses for students in grades nine through
32 twelve;

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

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

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

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

13 (b) To provide supplemental instruction and services for students
14 whose primary language is other than English, allocations shall be
15 based on the head count number of students in each school who are
16 eligible for and enrolled in the transitional bilingual instruction
17 program under RCW 28A.180.010 through 28A.180.080. The minimum
18 allocation for each level of prototypical school shall provide
19 resources to provide, on a statewide average, 4.7780 hours per week in
20 extra instruction with fifteen transitional bilingual instruction
21 program students per teacher.

22 (c) Beginning with the 2013-14 school year, to provide additional
23 allocations to support programs for highly capable students under RCW
24 28A.185.010 through 28A.185.030, allocations shall be based on two and
25 three hundred fourteen one-thousandths percent of each school
26 district's full-time equivalent basic education enrollment. The
27 minimum allocation for the programs shall provide resources to provide,
28 on a statewide average, 2.1590 hours per week in extra instruction with
29 fifteen highly capable program students per teacher.

30 (11) The allocations under subsections (4)(a) and (b), (5), (6),
31 and (8) of this section shall be enhanced as provided under RCW
32 28A.150.390 on an excess cost basis to provide supplemental
33 instructional resources for students with disabilities.

34 (12)(a) For the purposes of allocations for prototypical high
35 schools and middle schools under subsections (4) and (10) of this
36 section that are based on the percent of students in the school who are
37 eligible for free and reduced-price meals, the actual percent of such

1 students in a school shall be adjusted by a factor identified in the
2 omnibus appropriations act to reflect underreporting of free and
3 reduced-price meal eligibility among middle and high school students.

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

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

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

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

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

32 **Sec. 4.** RCW 28A.150.315 and 2010 c 236 s 4 are each amended to
33 read as follows:

34 (1) Beginning with the 2007-08 school year, funding for voluntary
35 all-day kindergarten programs shall be phased-in beginning with schools
36 with the highest poverty levels, defined as those schools with the
37 highest percentages of students qualifying for free and reduced-price

1 lunch support in the prior school year. (~~During the 2011-2013~~
2 ~~biennium,~~) Funding shall continue to be phased-in each year until full
3 statewide implementation of all-day kindergarten is achieved in the
4 2017-18 school year. Once a school receives funding for the all-day
5 kindergarten program, that school shall remain eligible for funding in
6 subsequent school years regardless of changes in the school's
7 percentage of students eligible for free and reduced-price lunches as
8 long as other program requirements are fulfilled. Additionally,
9 schools receiving all-day kindergarten program support shall agree to
10 the following conditions:

- 11 (a) Provide at least a one thousand-hour instructional program;
- 12 (b) Provide a curriculum that offers a rich, varied set of
13 experiences that assist students in:
 - 14 (i) Developing initial skills in the academic areas of reading,
15 mathematics, and writing;
 - 16 (ii) Developing a variety of communication skills;
 - 17 (iii) Providing experiences in science, social studies, arts,
18 health and physical education, and a world language other than English;
 - 19 (iv) Acquiring large and small motor skills;
 - 20 (v) Acquiring social and emotional skills including successful
21 participation in learning activities as an individual and as part of a
22 group; and
 - 23 (vi) Learning through hands-on experiences;
- 24 (c) Establish learning environments that are developmentally
25 appropriate and promote creativity;
- 26 (d) Demonstrate strong connections and communication with early
27 learning community providers; and
- 28 (e) Participate in kindergarten program readiness activities with
29 early learning providers and parents.

30 (2) Subject to funds appropriated for this purpose, the
31 superintendent of public instruction shall designate one or more school
32 districts to serve as resources and examples of best practices in
33 designing and operating a high-quality all-day kindergarten program.
34 Designated school districts shall serve as lighthouse programs and
35 provide technical assistance to other school districts in the initial
36 stages of implementing an all-day kindergarten program. Examples of
37 topics addressed by the technical assistance include strategic

1 planning, developing the instructional program and curriculum, working
2 with early learning providers to identify students and communicate with
3 parents, and developing kindergarten program readiness activities.

4 (3) Any funds allocated to support all-day kindergarten programs
5 under this section shall not be considered as basic education funding
6 until full statewide implementation of all-day kindergarten is achieved
7 in the 2017-18 school year.

8 **Sec. 5.** RCW 28A.185.010 and 2009 c 548 s 707 are each amended to
9 read as follows:

10 Beginning with the 2013-14 school year, pursuant to rules adopted
11 by the superintendent of public instruction for the administration of
12 this chapter, the superintendent of public instruction shall carry out
13 a program for highly capable students. Such program may include
14 conducting, coordinating and aiding in research (including pilot
15 programs), disseminating information to local school districts,
16 providing statewide staff development, and allocating to school
17 districts supplementary funds for additional costs of district
18 programs, as provided by RCW 28A.150.260.

19 **Sec. 6.** RCW 28A.185.020 and 2009 c 548 s 708 are each amended to
20 read as follows:

21 (1) The legislature finds that, beginning with the 2013-14 school
22 year, for highly capable students, access to accelerated learning and
23 enhanced instruction is access to a basic education. There are
24 multiple definitions of highly capable, from intellectual to academic
25 to artistic. The research literature strongly supports using multiple
26 criteria to identify highly capable students, and therefore, the
27 legislature does not intend to prescribe a single method. Instead, the
28 legislature intends to allocate funding based on two and three hundred
29 fourteen one-thousandths percent of each school district's population
30 and authorize school districts to identify through the use of multiple,
31 objective criteria those students most highly capable and eligible to
32 receive accelerated learning and enhanced instruction in the program
33 offered by the district. Access to accelerated learning and enhanced
34 instruction through the program for highly capable students does not
35 constitute an individual entitlement for any particular student.

36 (2) Supplementary funds provided by the state for the program for

1 highly capable students under RCW 28A.150.260 shall be categorical
2 funding to provide services to highly capable students as determined by
3 a school district under RCW 28A.185.030.

4 NEW SECTION. **Sec. 7.** 2010 c 236 s 1 (uncodified) is repealed.

5 NEW SECTION. **Sec. 8.** Sections 2 through 6 of this act take effect
6 September 1, 2011.

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