Z-0736.2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 6615**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 66th Legislature 2020 Regular Session**

**By** Senator Wellman; by request of Superintendent of Public Instruction

AN ACT Relating to staff funding for school districts; amending RCW 28A.150.260 and 28A.150.415; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature finds that in 2014 Washington's voters approved Initiative 1351, which amended the state's basic education funding formulas by increasing the minimum K-12 staffing ratios that drive state basic education funding to local school districts.

The legislature also finds that the 2017 legislature repealed the phase-in of the voter-approved initiative with the enactment of chapter 13, Laws of 2017 3rd sp. sess., in which the legislature identified their intent to review and prioritize future K-12 staffing ratio increases to focus on reducing the opportunity gap, assisting struggling students, enhancing the educational outcomes for students, and strengthening support for all students through schools and school district staff. The legislature also finds that chapter 13, Laws of 2017 3rd sp. sess. created the staffing enrichment work group of education stakeholders to recommend a phase-in plan for the voter-approved K-12 staffing enrichments.

The legislature intends to reestablish a phase-in schedule for the K-12 staffing enhancements approved by voters by focusing first on meeting students' needs for safety as well as mental, social, emotional, and behavioral health, by providing impactful professional development to all staff and by increasing the flexibility, transparency, and accountability of local communities.

The legislature finds that the current staffing ratios result from a legislatively commissioned study by Miller and Associates in 1975 to conduct an extensive study of problems related to common school financing and operations. The legislature finds that the recommendations of this report, which were adopted into law in the basic education act of 1977 (section 5, chapter 359, Laws of 1977 1st ex. sess.), proposed a new funding formula of fifty certificated instructional staff per one thousand students and 16.67 classified staff per one thousand students based upon the actual staffing ratios of a survey of a subset of districts in school year 1974–75. The legislature finds only three components of the basic education staffing ratios have been increased above this level: Kindergarten through third grade class size reductions; increases to guidance counselors; and the addition of a proportion of an elementary parent involvement coordinator.

The legislature intends to modernize the K-12 staffing ratios and provide funding for the program of basic education that reflects the current needs of students and the legislatively created programmatic requirements for a basic education.

**Sec.**  RCW 28A.150.260 and 2018 c 266 s 101 are each 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)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c) and (9) of this section, 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.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(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~~)) five hundred average annual full-time equivalent students in grades nine through twelve;

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

(iii) A prototypical elementary school has ((~~four~~)) five 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:

(A) The following are the minimum allocations that apply until the allocations in (a)(i)(B) of this subsection are phased in:

General education

average class size

Grades K-3 17.00

Grade 4 27.00

Grades 5-6 27.00

Grades 7-8 28.53

Grades 9-12 28.74

(B) No later than the 2025-26 school year:

|  |  |  |
| --- | --- | --- |
|  | General education  average class size | High Poverty |
| Grades K-3 | 17.00 | 15.00 |
| Grade 4 | 25.00 | 22.00 |
| Grades 5-6 | 25.00 | 23.00 |
| Grades 7-8 | 25.00 | 23.00 |
| Grades 9-12 | 25.00 | 23.00 |
| CTE Grades 7-12 | 19.00 | 19.00 |
| Skill Center Grades 9-12 | 16.00 | 16.00 |

For the purposes of this subsection (4)(a)(i)(B), a high poverty school is one in which the three-year rolling average free and reduced-price lunch percentage exceeds fifty percent.

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

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

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

Career and technical

education average

class size

Approved career and technical education offered at

the middle school and high school level 23.00

Skill center programs meeting the standards established

by the office of the superintendent of public

instruction 20.00

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

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

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

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

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

(a) The following are the minimum allocations that apply until the allocations in (b) of this subsection are phased in:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Elementary School | Middle School | High School |
| Principals, assistant principals, and other certificated building‑level administrators | ((~~1.253~~)) 1.566 | ((~~1.353~~)) 1.566 | ((~~1.880~~)) 1.566 |
| Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs | ((~~0.663~~)) 0.829 | ((~~0.519~~)) 0.601 | ((~~0.523~~)) 0.436 |
| Health and social services: |  |  |  |
| School nurses | ((~~0.076~~)) 0.095 | ((~~0.060~~)) 0.069 | ((~~0.096~~)) 0.080 |
| Social workers | ((~~0.042~~)) 0.053 | ((~~0.006~~)) 0.007 | ((~~0.015~~)) 0.013 |
| Psychologists | ((~~0.017~~)) 0.021 | 0.002 | ((~~0.007~~)) 0.006 |
| ((~~Guidance~~)) School counselors, a function that includes parent outreach and graduation advising | ((~~0.493~~)) 0.616 | ((~~1.216~~)) 1.407 | ((~~2.539~~)) 2.116 |
| ((~~Teaching assistance~~)) Paraeducators, including any aspect of educational instructional services provided by classified employees | ((~~0.936~~)) 1.170 | ((~~0.700~~)) 0.810 | ((~~0.652~~)) 0.543 |
| Office support and other noninstructional aides | ((~~2.012~~)) 2.515 | ((~~2.325~~)) 2.691 | ((~~3.269~~)) 2.724 |
| Custodians | ((~~1.657~~)) 2.071 | ((~~1.942~~)) 2.248 | ((~~2.965~~)) 2.471 |
| Classified staff providing student and staff safety | ((~~0.079~~)) 0.099 | ((~~0.092~~)) 0.106 | ((~~0.141~~)) 0.118 |
| ((~~Parent~~)) Family involvement coordinators | ((~~0.0825~~)) 0.103 | 0.00 | 0.00 |

(b) No later than the 2022-23 school year, and until the allocations in (c) of this subsection are phased in:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Elementary School | Middle School | High School |
| Principals, assistant principals, and other certificated building‑level administrators | 1.667 | 1.667 | 1.677 |
| Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs | 0.829 | 0.601 | 0.436 |
| Health and social services: |  |  |  |
| School nurses | 0.731 | 1.028 | 0.687 |
| Social workers | 0.389 | 0.102 | 0.106 |
| Psychologists | 0.130 | 0.028 | 0.041 |
| School counselors, a function that includes parent outreach and graduation advising | 0.625 | 2.315 | 2.917 |
| Paraeducators, including any aspect of educational instructional services provided by classified employees | 1.170 | 0.810 | 0.543 |
| Office support and other noninstructional aides | 2.515 | 2.691 | 2.724 |
| Custodians | 2.071 | 2.248 | 2.471 |
| Classified staff providing student and staff safety | 0.988 | 0.810 | 1.083 |
| Family involvement coordinators | 1.250 | 1.157 | 0.833 |
| Continuous improvement coaches | 1.250 | 1.157 | 0.833 |

(c) No later than the 2025-26 school year:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Elementary School | Middle School | High School |
| Principals, assistant principals, and other certificated building-level administrators | 1.667 | 1.677 | 1.667 |
| Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs | 1.250 | 1.157 | 0.833 |
| Health and social services: |  |  |  |
| School nurses | 0.713 | 1.028 | 0.687 |
| Social workers | 0.389 | 0.102 | 0.106 |
| Psychologists | 0.130 | 0.028 | 0.041 |
| School counselors, a function that includes parent outreach and graduation advising | 0.625 | 2.315 | 2.917 |
| Paraeducators, including any aspect of educational instructional services provided by classified employees | 2.500 | 1.157 | 0.833 |
| Office support and other noninstructional aides | 3.750 | 4.051 | 2.917 |
| Custodians | 2.125 | 2.315 | 2.500 |
| Classified staff providing student and staff safety | 0.988 | 0.810 | 1.083 |
| Family involvement coordinators | 1.250 | 1.157 | 0.833 |
| Continuous improvement coaches | 1.250 | 1.157 | 0.833 |

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

(i) The following are the minimum allocations that apply until the allocations in (a)(ii) of this subsection are phased in:

Staff per ((~~1,000~~)) 500

K-12 students

Technology ((~~0.628~~)) 0.314

Facilities, maintenance, and grounds ((~~1.813~~)) 0.907

Warehouse, laborers, and mechanics ((~~0.332~~)) 0.166

(ii) No later than the 2025-26 school year:

Staff per 500

K-12 students

Technology 1.400

Facilities, maintenance, and grounds 2.000

Warehouse, laborers, and mechanics 0.950

(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 (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) 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 as provided in the 2017-18 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 $130.76

Utilities and insurance $355.30

Curriculum and textbooks $140.39

Other supplies $278.05

Library materials $20.00

Instructional professional development for certificated and

classified staff $21.71

Facilities maintenance $176.01

Security and central office administration $121.94

(b) In addition to the amounts provided in (a) 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 $77.28

Library materials $5.56

Instructional professional development for certificated and

classified staff $6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, 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)(i) To provide supplemental instruction and services for students who are not meeting academic standards 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, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, 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 for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per teacher. 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.

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

(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 5.0 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 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (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.150.415 and 2019 c 387 s 3 are each amended to read as follows:

(1) Beginning with the 2018-19 school year, the legislature shall begin phasing in funding for professional learning days for certificated instructional staff. At a minimum, the state must allocate funding for:

(a) One professional learning day in the 2018-19 school year;

(b) Two professional learning days in the 2019-20 school year; and

(c) Three professional learning days in the 2020-21 school year.

(2) Beginning with the 2020-2021 school year, the legislature shall begin phasing in funding for professional learning days for all state-funded school staff in equal, annual increments.

(a) Before the 2022-23 school year, the state must allocate funding for a minimum of the following:

(i) Six days for certificated instructional staff;

(ii) Six days for classified staff; and

(iii) Three days for certificated administrative instructional staff.

(b) Before the 2025-26 school year, the state must allocate a minimum of ten professional learning days for all state-funded school staff. Phase-in must begin with the 2023-24 school year.

(3) The office of the superintendent of public instruction shall calculate each school district's professional learning allocation as provided in subsection (1) of this section separate from the minimum state allocation for salaries as specified in RCW 28A.150.410 and associated fringe benefits on the apportionment reports provided to each school district. The professional learning allocation shall be equal to the proportional increase resulting from adding the professional learning days provided in subsection (1) of this section to the required minimum number of school days in RCW 28A.150.220(5)(a) applied to the school district's minimum state allocation for salaries and associated fringe benefits for certificated instructional staff as specified in the omnibus operating appropriations act. Professional learning allocations shall be included in per-pupil calculations, such as special education, for programs funded on a per-pupil basis.

((~~(3)~~)) (4) Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

((~~(4)~~)) (5) The professional learning days must meet the definitions and standards provided in RCW 28A.415.430, 28A.415.432, and 28A.415.434.

NEW SECTION. **Sec.**  This act takes effect September 1, 2020.

**--- END ---**