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HOUSE BILL 1657

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Locke, Holland, Phillips, Peery, Ebersole, Zellinsky, Pruitt, Van Luven, R. Meyers, Ferguson, Forner, Jacobsen, Cole, Valle, Roland, Dorn, Appelwick, Nelson, Heavey, Wang, Rasmussen, O'Brien, R. Johnson and Anderson.

Read first time February 5, 1991. Referred to Committee on Education \Appropriations.

1            AN ACT Relating to education fiscal matters; amending RCW  
2 28A.150.250, 28A.150.260, and 28A.500.010; reenacting and amending RCW  
3 28A.400.200; adding a new section to chapter 28A.150 RCW; creating new  
4 sections; repealing RCW 28A.150.410 and 84.52.0531; providing an  
5 effective date; and declaring an emergency.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 28A.150  
8 RCW to read as follows:

9            (1)(a) The office of the superintendent of public instruction shall  
10 develop at least two options of a weighted student formula for  
11 consideration by the oversight committee for implementation in the  
12 1992-93 school year. One option shall be to establish weights that  
13 reflect the 1991-92 state-wide allocation for student classifications  
14 for kindergarten through third grade, fourth through twelfth grade,  
15 vocational education, skills center, identified handicapped education

1 conditions, transitional bilingual education, the learning assistance  
2 program, highly capable students, and traffic safety. One other option  
3 shall include funding levels greater than the 1991-92 level reflected  
4 in the weights for student classifications for kindergarten through  
5 third grade, fourth through twelfth grade, vocational education, skills  
6 center, identified handicapped education conditions, transitional  
7 bilingual education, the learning assistance program, highly capable  
8 students, and traffic safety.

9 (b) The weight assigned for the fourth through twelfth grade  
10 classification shall be one.

11 (c) Weighting shall be established for students from low-income  
12 families and for large district relief.

13 (d) The low-income family factor shall take into account the number  
14 of students eligible for free and reduced lunches. The large district  
15 relief factor shall be for districts with a total weighted full-time  
16 equivalent student population of thirty-five thousand or more.

17 (2)(a) The formula shall recognize the administrative and  
18 certificated instructional staff mix for each school district based on  
19 LEAP Document 1R developed on May 7, 1989, at 11:00 hours.

20 (b) Beginning with the 1992-93 school year, the formula shall  
21 recognize a composite staff mix representative of administrative,  
22 certificated, and classified staff for each school district.

23 (c) During the 1991-92 school year, the superintendent of public  
24 instruction shall collect data on classified staff mix using a modified  
25 LEAP Document 1R that includes a column for classified staff  
26 experience.

27 (3) The legislature shall identify in the appropriations act a  
28 dollar amount per full-time equivalent student to use as the base for  
29 the weighted student allocation. Each school district shall receive  
30 funding based on the amount derived in the appropriations act

1 multiplied by (a) the total weighted student population multiplied by  
2 (b) the sum of the district's composite staff mix plus .8189.

3 (4) For the 1992-93 school year, excluding enhancements for the  
4 low-income factor and for the large district relief factor, a district  
5 shall not receive fewer funds per full-time equivalent student than it  
6 did in the 1991-92 school year.

7 NEW SECTION. **Sec. 2.** (1) An oversight committee shall be  
8 appointed by the superintendent of public instruction to participate in  
9 the development of the weighted student formula. The committee shall  
10 be composed of the following: One representative from each of the two  
11 largest caucuses of the senate; one representative from each of the two  
12 largest caucuses of the house of representatives; one representative  
13 who is a parent, from an educational organization; one representative  
14 who is a parent, from an organization concerned with the delivery of  
15 categorical instructional services and regular classroom instruction;  
16 and two representatives from educational employee organizations. The  
17 weighted student formula developed by the superintendent of public  
18 instruction shall be approved by the committee before implementation.

19 (2) This section shall expire January 31, 1993.

20 **Sec. 3.** RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c 33  
21 s 381 are each reenacted and amended to read as follows:

22 (1) Every school district board of directors shall fix, alter,  
23 allow, and order paid salaries and compensation for all district  
24 employees (~~(in conformance with this section)~~). Salary and benefit  
25 increases for district employees granted after the effective date of  
26 this section are solely the responsibility of that school district.  
27 Such increases shall not cause the state to incur any present or future  
28 funding obligations.

1       ~~((2)(a) Salaries for certificated instructional staff shall not be~~  
2 ~~less than the salary provided in the appropriations act in the state-~~  
3 ~~wide salary allocation schedule for an employee with a baccalaureate~~  
4 ~~degree and zero years of service; and~~

5       ~~(b) Salaries for certificated instructional staff with a masters~~  
6 ~~degree shall not be less than the salary provided in the appropriations~~  
7 ~~act in the state-wide salary allocation schedule for an employee with~~  
8 ~~a masters degree and zero years of service;~~

9       ~~(3)(a) The actual average salary paid to basic education~~  
10 ~~certificated instructional staff shall not exceed the district's~~  
11 ~~average basic education certificated instructional staff salary used~~  
12 ~~for the state basic education allocations for that school year as~~  
13 ~~determined pursuant to RCW 28A.150.410.~~

14       ~~(b) Fringe benefit contributions for basic education certificated~~  
15 ~~instructional staff shall be included as salary under (a) of this~~  
16 ~~subsection to the extent that the district's actual average benefit~~  
17 ~~contribution exceeds the greater of: (i) The formula amount for~~  
18 ~~insurance benefits provided per certificated instructional staff unit~~  
19 ~~in the state operating appropriations act in effect at the time the~~  
20 ~~compensation is payable; or (ii) the actual average amount provided by~~  
21 ~~the school district in the 1986-87 school year. For purposes of this~~  
22 ~~section, fringe benefits shall not include payment for unused leave for~~  
23 ~~illness or injury under RCW 28A.58.096, or employer contributions for~~  
24 ~~old age survivors insurance, workers' compensation, unemployment~~  
25 ~~compensation, and retirement benefits under the Washington state~~  
26 ~~retirement system.~~

27       ~~(c) Salary and benefits for certificated instructional staff in~~  
28 ~~programs other than basic education shall be consistent with the salary~~  
29 ~~and benefits paid to certificated instructional staff in the basic~~  
30 ~~education program.~~

1       ~~(4) Salaries and benefits for certificated instructional staff may~~  
2 ~~exceed the limitations in subsection (3) of this section only by~~  
3 ~~separate contract for additional time, additional responsibilities, or~~  
4 ~~incentives. Supplemental contracts shall not cause the state to incur~~  
5 ~~any present or future funding obligation. Supplemental contracts shall~~  
6 ~~be subject to the collective bargaining provisions of chapter 41.59 RCW~~  
7 ~~and the provisions of RCW 28A.405.240, shall not exceed one year, and~~  
8 ~~if not renewed shall not constitute adverse change in accordance with~~  
9 ~~RCW 28A.405.300 through 28A.405.350. No district may enter into a~~  
10 ~~supplemental contract under this subsection for the provision of~~  
11 ~~services which are a part of the basic education program required by~~  
12 ~~Article IX, section 3 of the state Constitution.~~

13       ~~(5))~~ (2) Employee benefit plans offered by any district shall  
14 comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

15       **Sec. 4.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to  
16 read as follows:

17       From those funds made available by the legislature for the current  
18 use of the common schools, the superintendent of public instruction  
19 shall distribute annually as provided in RCW 28A.510.250 to each school  
20 district of the state operating a program approved by the state board  
21 of education an amount which, when combined with an appropriate portion  
22 of such locally available revenues, other than receipts from federal  
23 forest revenues distributed to school districts pursuant to RCW  
24 28A.520.010 and 28A.520.020, as the superintendent of public  
25 instruction may deem appropriate for consideration in computing state  
26 equalization support, excluding excess property tax levies, will  
27 constitute a basic education allocation in dollars for each annual  
28 average full time equivalent student enrolled, based upon one full  
29 school year of one hundred eighty days, except that for kindergartens

1 one full school year shall be one hundred eighty half days of  
2 instruction, or the equivalent as provided in RCW 28A.150.220.

3 Basic education shall be considered to be fully funded by those  
4 amounts of dollars appropriated by the legislature pursuant to RCW  
5 28A.150.250 and ~~((28A.150.260))~~ section 1 of this 1991 act to fund  
6 those program requirements identified in RCW 28A.150.220 in accordance  
7 with the formula and ratios provided in ~~((RCW 28A.150.260))~~ section 1  
8 of this 1991 act and those amounts of dollars appropriated by the  
9 legislature ~~((to fund the salary requirements of RCW 28A.150.100 and~~  
10 ~~28A.150.410))~~.

11 Operation of a program approved by the state board of education,  
12 for the purposes of this section, shall include a finding that the  
13 ratio of students per classroom teacher in grades kindergarten through  
14 three is not greater than the ratio of students per classroom teacher  
15 in grades four and above for such district: PROVIDED, That for the  
16 purposes of this section, "classroom teacher" shall be defined as an  
17 instructional employee possessing at least a provisional certificate,  
18 but not necessarily employed as a certificated employee, whose primary  
19 duty is the daily educational instruction of students: PROVIDED  
20 FURTHER, That the state board of education shall adopt rules and  
21 regulations to insure compliance with the student/teacher ratio  
22 provisions of this section, and such rules and regulations shall allow  
23 for exemptions for those special programs and/or school districts which  
24 may be deemed unable to practicably meet the student/teacher ratio  
25 requirements of this section by virtue of a small number of students.

26 If a school district's basic education program fails to meet the  
27 basic education requirements enumerated in RCW 28A.150.250,  
28 ~~((28A.150.260))~~ section 1 of this 1991 act and 28A.150.220, the state  
29 board of education shall require the superintendent of public  
30 instruction to withhold state funds in whole or in part for the basic

1 education allocation until program compliance is assured: PROVIDED,  
2 That the state board of education may waive this requirement in the  
3 event of substantial lack of classroom space.

4 **Sec. 5.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to  
5 read as follows:

6 ~~((The basic education allocation for each annual average full time  
7 equivalent student shall be determined in accordance with the following  
8 procedures:~~

9 ~~(1) The governor shall and the superintendent of public instruction  
10 may recommend to the legislature a formula based on a ratio of students  
11 to staff for the distribution of a basic education allocation for each  
12 annual average full time equivalent student enrolled in a common  
13 school. The distribution formula shall have the primary objective of  
14 equalizing educational opportunities and shall provide appropriate  
15 recognition of the following costs among the various districts within  
16 the state:~~

17 ~~(a) Certificated instructional staff and their related costs;~~

18 ~~(b) Certificated administrative staff and their related costs;~~

19 ~~(c) Classified staff and their related costs;~~

20 ~~(d) Nonsalary costs;~~

21 ~~(e) Extraordinary costs of remote and necessary schools and small  
22 high schools, including costs of additional certificated and classified  
23 staff; and~~

24 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and  
25 28A.225.250 who do not reside within the servicing school district.~~

26 ~~(2)(a) This formula for distribution of basic education funds shall  
27 be reviewed biennially by the superintendent and governor. The  
28 recommended formula shall be subject to approval, amendment or  
29 rejection by the legislature. The formula shall be for allocation~~

1 purposes only. While the legislature intends that the allocations for  
2 additional instructional staff be used to increase the ratio of such  
3 staff to students, nothing in this section shall require districts to  
4 reduce the number of administrative staff below existing levels.

5 (b) The formula adopted by the legislature for the 1987-88 school  
6 year shall reflect the following ratios at a minimum:—(i) Forty-eight  
7 certificated instructional staff to one thousand annual average full  
8 time equivalent students enrolled in grades kindergarten through three;  
9 (ii) forty-six certificated instructional staff to one thousand annual  
10 average full time equivalent students enrolled in grades four through  
11 twelve; (iii) four certificated administrative staff to one thousand  
12 annual average full time equivalent students enrolled in grades  
13 kindergarten through twelve; and (iv) sixteen and sixty-seven  
14 one-hundredths classified personnel to one thousand annual average full  
15 time equivalent students enrolled in grades kindergarten through  
16 twelve.

17 (c) Commencing with the 1988-89 school year, the formula adopted by  
18 the legislature shall reflect the following ratios at a minimum:—(i)  
19 Forty-nine certificated instructional staff to one thousand annual  
20 average full time equivalent students enrolled in grades kindergarten  
21 through three; (ii) forty-six certificated instructional staff to one  
22 thousand annual average full time equivalent students in grades four  
23 through twelve; (iii) four certificated administrative staff to one  
24 thousand annual average full time equivalent students in grades  
25 kindergarten through twelve; and (iv) sixteen and sixty-seven  
26 one-hundredths classified personnel to one thousand annual average full  
27 time equivalent students enrolled in grades kindergarten through  
28 twelve.

29 (d) In the event the legislature rejects the distribution formula  
30 recommended by the governor, without adopting a new distribution

1 formula, the distribution formula for the previous school year shall  
2 remain in effect: PROVIDED, That the distribution formula developed  
3 pursuant to this section shall be for state apportionment and  
4 equalization purposes only and shall not be construed as mandating  
5 specific operational functions of local school districts other than  
6 those program requirements identified in RCW 28A.150.220 and  
7 28A.150.100. The enrollment of any district shall be the annual  
8 average number of full time equivalent students and part time students  
9 as provided in RCW 28A.150.350, enrolled on the first school day of  
10 each month and shall exclude full time equivalent handicapped students  
11 recognized for the purposes of allocation of state funds for programs  
12 under RCW 28A.155.010 through 28A.155.100. The definition of full time  
13 equivalent student shall be determined by rules and regulations of the  
14 superintendent of public instruction: PROVIDED, That the definition  
15 shall be included as part of the superintendent's biennial budget  
16 request: PROVIDED, FURTHER, That any revision of the present  
17 definition shall not take effect until approved by the house  
18 appropriations committee and the senate ways and means committee:  
19 PROVIDED, FURTHER, That the office of financial management shall make  
20 a monthly review of the superintendent's reported full time equivalent  
21 students in the common schools in conjunction with RCW 43.62.050.

22 (3)) (1)(a) Certificated instructional staff shall include those  
23 persons employed by a school district who are nonsupervisory employees  
24 within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional  
25 cases, people of unusual competence but without certification may teach  
26 students so long as a certificated person exercises general  
27 supervision: PROVIDED, FURTHER, That the hiring of such noncertificated  
28 people shall not occur during a labor dispute and such noncertificated  
29 people shall not be hired to replace certificated employees during a  
30 labor dispute.

1 (b) Certificated administrative staff shall include all those  
2 persons who are chief executive officers, chief administrative  
3 officers, confidential employees, supervisors, principals, or assistant  
4 principals within the meaning of RCW 41.59.020(4).

5 (~~(4)~~) (2) Each annual average full time equivalent certificated  
6 classroom teacher's direct classroom contact hours shall average at  
7 least twenty-five hours per week. Direct classroom contact hours shall  
8 be exclusive of time required to be spent for preparation, conferences,  
9 or any other nonclassroom instruction duties. Up to two hundred  
10 minutes per week may be deducted from the twenty-five contact hour  
11 requirement, at the discretion of the school district board of  
12 directors, to accommodate authorized teacher/parent-guardian  
13 conferences, recess, passing time between classes, and informal  
14 instructional activity. Implementing rules to be adopted by the state  
15 board of education pursuant to RCW 28A.58.754(6) shall provide that  
16 compliance with the direct contact hour requirement shall be based upon  
17 teachers' normally assigned weekly instructional schedules, as assigned  
18 by the district administration. Additional record-keeping by classroom  
19 teachers as a means of accounting for contact hours shall not be  
20 required. However, upon request from the board of directors of any  
21 school district, the provisions relating to direct classroom contact  
22 hours for individual teachers in that district may be waived by the  
23 state board of education if the waiver is necessary to implement a  
24 locally approved plan for educational excellence and the waiver is  
25 limited to those individual teachers approved in the local plan for  
26 educational excellence. The state board of education shall develop  
27 criteria to evaluate the need for the waiver. Granting of the waiver  
28 shall depend upon verification that: (a) The students' classroom  
29 instructional time will not be reduced; and (b) the teacher's expertise  
30 is critical to the success of the local plan for excellence.

1       **Sec. 6.** RCW 28A.500.010 and 1987 1st ex.s. c 2 s 102 are each  
2 amended to read as follows:

3       (1) Commencing with taxes assessed in (~~(1988)~~) 1991 to be collected  
4 in calendar year (~~(1989)~~) 1992 and thereafter, in addition to a school  
5 district's other general fund allocations, each eligible district shall  
6 be provided local effort assistance funds as provided in this section.  
7 Such funds are not part of the district's basic education allocation.  
8 (~~(For the first distribution of local effort assistance funds provided~~  
9 ~~under this section in calendar year 1989, state funds may be prorated~~  
10 ~~according to the formula in this section.)~~)

11       (2) (a) "Prior tax collection year" shall mean the year immediately  
12 preceding the year in which the local effort assistance shall be  
13 allocated.

14       (b) The "state-wide average ten percent levy rate" shall mean ten  
15 percent of the total levy bases as defined in RCW 84.52.0531(4) summed  
16 for all school districts, and divided by the total assessed valuation  
17 for excess levy purposes in the prior tax collection year for all  
18 districts as adjusted to one hundred percent by the county indicated  
19 ratio established in RCW 84.48.075.

20       (c) The "ten percent levy rate" of a district shall mean:

21       (i) Ten percent of the district's levy base as defined in (~~(RCW~~  
22 ~~84.52.0531(4))~~) subsection (5) of this section, plus (~~(one-half of any~~  
23 ~~amount computed under RCW 84.52.0531(3)(b))~~), in the case of nonhigh  
24 school districts, one-half of the total estimated amount due by the  
25 nonhigh school district to high school districts under chapter 28A.545  
26 RCW for the current school year; divided by

27       (ii) The district's assessed valuation for excess levy purposes for  
28 the prior tax collection year as adjusted to one hundred percent by the  
29 county indicated ratio.

1 (d) "Eligible districts" shall mean those districts with a ten  
2 percent levy rate which exceeds the state-wide average ten percent levy  
3 rate.

4 (3) Allocation of state matching funds to eligible districts for  
5 local effort assistance shall be determined as follows:

6 (a) Funds raised by the district through maintenance and operation  
7 levies during that tax collection year shall be matched with state  
8 funds using the following ratio of state funds to levy funds: (i) The  
9 difference between the district's ten percent levy rate and the  
10 state-wide average ten percent levy rate; to (ii) the state-wide  
11 average ten percent levy rate.

12 (b) The maximum amount of state matching funds for which a district  
13 may be eligible in any tax collection year shall be (~~ten~~) twenty  
14 percent of the district's levy base as defined in RCW 84.52.0531(4),  
15 multiplied by the following percentage: (i) The difference between the  
16 district's ten percent levy rate and the state-wide average ten percent  
17 levy rate; divided by (ii) the district's ten percent levy rate.

18 (4) Fifty-five percent of local effort assistance funds shall be  
19 distributed to qualifying districts during the applicable tax  
20 collection year on or before June 30 and forty-five percent shall be  
21 distributed on or before December 31 of any year.

22 (5) For purposes of this section, a district's levy base shall be  
23 the sum of the following allocations received by the district for the  
24 prior school year, including allocations for compensation increases:

25 (a) The district's basic education allocation as determined  
26 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350, or the  
27 weighted pupil formula established in section 1 of this 1991 act;

28 (b) State and federal categorical allocations for the following  
29 programs:

30 (i) Pupil transportation;

1        (ii) Handicapped education;  
2        (iii) Education of highly capable students;  
3        (iv) Compensatory education, including but not limited to learning  
4 assistance, migrant education, Indian education, refugee programs, and  
5 bilingual education;  
6        (v) Food services; and  
7        (vi) State-wide block grant programs; and  
8        (c) Any other federal allocations for elementary and secondary  
9 school programs, including direct grants, other than federal impact aid  
10 funds and allocations in lieu of taxes.

11        (6) For purposes of this section:

12        (a) "Prior school year" means the most recent school year completed  
13 before the year in which levies are to be collected; and

14        (b) "Current school year" means the year immediately following the  
15 prior school year.

16        NEW SECTION. Sec. 7. The superintendent of public instruction  
17 shall identify laws that will become obsolete or erroneous due to  
18 changes in the funding formula in section 1 of this act and shall  
19 report its findings and recommendations to the legislature by December  
20 1, 1991.

21        NEW SECTION. Sec. 8. The following acts or parts of acts are each  
22 repealed:

23        (1) RCW 28A.150.410 and 1990 c 33 s 118, 1989 1st ex.s. c 16 s 1,  
24 1987 3rd ex.s. c 1 s 4, & 1987 1st ex.s. c 2 s 204; and

25        (2) RCW 84.52.0531 and 1990 c 33 s 601, 1989 c 141 s 1, 1988 c 252  
26 s 1, 1987 1st ex.s. c 2 s 101, 1987 c 185 s 40, & 1985 c 374 s 1.

1        NEW SECTION.    **Sec. 9.**        (1) Sections 1 through 5 and 8 of this  
2 act are necessary for the immediate preservation of the public peace,  
3 health, or safety, or support of the state government and its existing  
4 public institutions, and shall take effect immediately.

5        (2) Section 6 of this act shall take effect January 1, 1992.