

E2SHB 1238 - S COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 04/11/2023

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
4 adequate childhood nutrition is indispensable for proper
5 intellectual, academic, and social development. However, many
6 Washington families continue to face economic and other challenges
7 that impact students' ability to consistently access nutritional
8 meals that support their growth and well-being.

9 (2) The legislature has acknowledged the widespread but often
10 concealed harms of childhood hunger by enacting legislation in recent
11 years to address this issue. For example, in 2018, the legislature
12 established a breakfast after the bell program in high-needs schools,
13 in 2021, the legislature eliminated lunch copays for qualifying
14 students, and in 2022, the legislature expanded school participation
15 in the federal community eligibility provision, a program that
16 provides no-charge meals for all students at participating schools.

17 (3) These efforts and others have significantly increased student
18 access to meals provided without charge, but the problems of food
19 insecurity, with its lasting physiological and psychological harms,
20 remain a reality for too many families, too many schools, and too
21 many children.

22 (4) The legislature recognizes also that the myriad difficulties
23 of the COVID-19 pandemic uniquely impacted school districts and food
24 delivery systems. While the challenges of responding to the
25 unprecedented disruptions of a global pandemic continue to
26 reverberate in public schools, school districts, through hard work,
27 federal approvals, and appropriate financial supports, successfully
28 demonstrated their ability to provide meals without charge to all
29 requesting students. However, federal provisions permitting meals to
30 be served at no charge to all students during the school year have
31 expired, so the task of broadly responding to student meal needs has
32 returned to the states.

1 (5) Although childhood hunger persists, the legislature
2 recognizes that the state and school districts have the needed
3 infrastructure and ability to respond to the issue, including the
4 potential to access or leverage federal funds that may become
5 available for school meal programs. The legislature, therefore,
6 intends to continue its multiyear effort to eliminate hunger and food
7 insecurity within public schools by expanding the provision of meals
8 without charge to the state's youngest K-12 students.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235
10 RCW to read as follows:

11 (1)(a) In accordance with (b) and (c) of this subsection,
12 beginning with the 2023-24 school year, each school district shall
13 provide breakfast and lunch each school day to any student who
14 requests a breakfast, lunch, or both. The school district must
15 provide the meals at no charge to the student and without
16 consideration of the student's eligibility for a federally reimbursed
17 free or reduced-price meal. Meals provided under this section must be
18 nutritiously adequate and qualify for federal reimbursement under the
19 school lunch program or the school breakfast program, and students
20 are not eligible for more than one meal in a meal service period.

21 (b) The requirements in (a) of this subsection apply to public
22 schools in which:

23 (i) Educational services are provided to students in any of the
24 grades of kindergarten through four; and

25 (ii) 30 percent or more of the enrolled students meet federal
26 eligibility requirements for free or reduced-price lunches.

27 (c) The obligation to provide breakfast and lunch to students
28 under this subsection (1):

29 (i) Begins in the 2023-24 school year for schools in which 40
30 percent or more of the enrolled students meet federal eligibility
31 requirements for free or reduced-price lunches;

32 (ii) Begins in the 2024-25 school year for schools in which the
33 percentage of enrolled students that meet federal eligibility
34 requirements for free or reduced-price lunches is at least 30 percent
35 and less than 40 percent; and

36 (iii) Does not apply to schools participating in the United
37 States department of agriculture's community eligibility provision
38 under RCW 28A.235.300 that have not completed the duration of the
39 provision's four-year cycle.

1 (2) The office of the superintendent of public instruction shall
2 reimburse school districts, subject to the requirements of subsection
3 (1) of this section, on a per meal reimbursement basis for meals that
4 are not already reimbursed at the United States department of
5 agriculture's free rate. The additional state reimbursement amount
6 must be the difference between the United States department of
7 agriculture's free rate and the United States department of
8 agriculture's paid rate.

9 (3) School districts, in accordance with RCW 28A.235.160, may be
10 exempted from the requirements of this section.

11 (4) To maximize federal funding, school districts must continue
12 collecting free and reduced-price meal eligibility applications where
13 applicable and run direct certification at least monthly in
14 accordance with RCW 28A.235.280. School districts shall also annually
15 monitor data for eligibility in the United States department of
16 agriculture community eligibility provision and apply where eligible
17 as required in RCW 28A.235.300.

18 (5) For the purposes of this section, the following definitions
19 apply:

20 (a) "Public school" has the same meaning as in RCW 28A.150.010.

21 (b) "School breakfast program" has the same meaning as in RCW
22 28A.235.160.

23 (c) "School lunch program" has the same meaning as in RCW
24 28A.235.160.

25 (6) This section governs school operation and management under
26 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
27 established under chapter 28A.710 RCW and state-tribal education
28 compact schools established under chapter 28A.715 RCW to the same
29 extent as it applies to school districts.

30 (7) The requirements in this section shall lapse if the federal
31 reimbursement for any school breakfasts or lunches is eliminated.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.235
33 RCW to read as follows:

34 Public schools, as defined in RCW 28A.150.010, providing school
35 meals to students are encouraged to buy Washington produced food
36 whenever practicable and cost is comparable to non-Washington
37 produced food.

1 **Sec. 4.** RCW 28A.235.160 and 2021 c 74 s 2 are each reenacted and
2 amended to read as follows:

3 (1) For the purposes of this section:

4 (a) "Free or reduced-price lunch" means a lunch served by a
5 school district participating in the national school lunch program to
6 a student qualifying for national school lunch program benefits based
7 on family size-income criteria.

8 (b) "Lunch copay" means the amount a student who qualifies for a
9 reduced-price lunch is charged for a reduced-price lunch.

10 (c) "School breakfast program" means a program meeting federal
11 requirements defined in 42 U.S.C. Sec. 1773.

12 (d) "School lunch program" means a meal program meeting the
13 requirements defined (~~(by the superintendent of public instruction~~
14 ~~under subsection (2) (b) of this section)~~) in Title 42 U.S.C. Sec.
15 1751 et seq.

16 (e) "Severe-need school" means a school that qualifies for a
17 severe-need school reimbursement rate from federal funds for school
18 breakfasts served to children from low-income families.

19 (f) "Summer food service program" means a meal or snack program
20 meeting the requirements defined by the superintendent of public
21 instruction under subsection (4) of this section.

22 (2) School districts shall implement a school lunch program in
23 each public school in the district in which educational services are
24 provided to children in any of the grades of kindergarten through
25 four and in which (~~(twenty-five)~~) 25 percent or more of the enrolled
26 students qualify for a free or reduced-price lunch. In accordance
27 with section 2 of this act, school districts shall provide meals at
28 no charge to all requesting students at public schools that meet the
29 criteria established in section 2(1) (b) and (c) of this act. In
30 developing and implementing its school lunch program and school
31 breakfast program, each school district may consult with an advisory
32 committee including school staff, community members, and others
33 appointed by the board of directors of the district.

34 (~~(a) Applications to determine free or reduced-price lunch~~
35 ~~eligibility shall be distributed and collected for all households of~~
36 ~~children in schools containing any of the grades kindergarten through~~
37 ~~four and in which there are no United States department of~~
38 ~~agriculture child nutrition programs. The applications that are~~
39 ~~collected must be reviewed to determine eligibility for free or~~
40 ~~reduced-price lunches. Nothing in this section shall be construed to~~

1 ~~require completion or submission of the application by a parent or~~
2 ~~guardian.~~

3 ~~(b) Using the most current available school data on free and~~
4 ~~reduced-price lunch eligibility, the superintendent of public~~
5 ~~instruction shall adopt a schedule for implementation of school lunch~~
6 ~~programs at each school required to offer such a program under~~
7 ~~subsection (2) of this section as follows:~~

8 ~~(i) Schools not offering a school lunch program and in which~~
9 ~~twenty-five percent or more of the enrolled students are eligible for~~
10 ~~free or reduced-price lunch shall implement a school lunch program~~
11 ~~not later than the second day of school in the 2005-06 school year~~
12 ~~and in each school year thereafter.~~

13 ~~(ii) The superintendent shall establish minimum standards~~
14 ~~defining the lunch meals to be served, and such standards must be~~
15 ~~sufficient to qualify the meals for any available federal~~
16 ~~reimbursement.~~

17 ~~(iii) Nothing in this section shall be interpreted to prevent a~~
18 ~~school from implementing a school lunch program earlier than the~~
19 ~~school is required to do so.))~~

20 (3) To the extent funds are appropriated for this purpose, each
21 school district shall implement a school breakfast program in each
22 school where more than ~~((forty))~~ 40 percent of students eligible to
23 participate in the school lunch program qualify for free or reduced-
24 price meal reimbursement ~~((by the school year 2005-06))~~. Beginning in
25 the 2023-24 school year and in accordance with section 2 of this act,
26 school districts shall implement a breakfast program in each school
27 providing meals at no charge to students. For the second year before
28 the implementation of the district's school breakfast program, and
29 for each subsequent school year, each school district shall submit
30 data enabling the superintendent of public instruction to determine
31 which schools within the district will qualify for this requirement.
32 Schools where lunch programs start after the 2003-04 school year,
33 where ~~((forty))~~ 30 percent of students qualify for free or reduced-
34 price meals, must begin school breakfast programs the second year
35 following the start of a lunch program.

36 (4) Each school district shall implement a summer food service
37 program in each public school in the district in which a summer
38 program of academic, enrichment, or remedial services is provided and
39 in which 50 percent or more of the children enrolled in the school
40 ~~((qualify))~~ meet federal eligibility requirements for free or

1 reduced-price lunch. However, the superintendent of public
2 instruction shall develop rules establishing criteria to permit an
3 exemption for a school that can demonstrate availability of an
4 adequate alternative summer feeding program. Sites providing meals
5 should be open to all children in the area, unless a compelling case
6 can be made to limit access to the program. The superintendent of
7 public instruction shall adopt a definition of compelling case and a
8 schedule for implementation as follows:

9 (a) Beginning the summer of 2005 if the school currently offers a
10 school breakfast or lunch program; or

11 (b) Beginning the summer following the school year during which a
12 school implements a school lunch program under (~~subsection (2) (b)~~
13 ~~or f~~)) this section.

14 (5) Schools not offering a breakfast or lunch program may meet
15 the meal service requirements of subsections (2) (~~(b)~~) and (4) of
16 this section through any of the following:

17 (a) Preparing the meals on-site;

18 (b) Receiving the meals from another school that participates in
19 a United States department of agriculture child nutrition program; or

20 (c) Contracting with a nonschool entity that is a licensed food
21 service establishment under RCW 69.07.010.

22 (6) Requirements that school districts have a school lunch,
23 breakfast, or summer nutrition program under this section shall not
24 create or imply any state funding obligation for these costs. The
25 legislature does not intend to include these programs within the
26 state's obligation for basic education funding under Article IX of
27 the state Constitution.

28 (7) Beginning in the 2021-22 school year, school districts with
29 school lunch programs must eliminate lunch copays for students in
30 prekindergarten through 12th grade who qualify for reduced-price
31 lunches, and the superintendent of public instruction must allocate
32 funding for this purpose.

33 (8) The requirements in this section shall lapse if the federal
34 reimbursement for any school breakfasts, lunches, or summer food
35 service programs is eliminated.

36 (9) School districts may be exempted from the requirements of
37 this section and section 2 of this act by showing good cause why they
38 cannot comply with the office of the superintendent of public
39 instruction to the extent that such exemption is not in conflict with
40 federal or state law. The process and criteria by which school

1 districts (~~are~~) may be exempted shall be developed by rule and
2 revised if necessary by the office of the superintendent of public
3 instruction in consultation with representatives of school directors,
4 school food service, community-based organizations, and (~~the~~
5 ~~Washington state PTA~~) a state organization of parents and teachers.

6 **Sec. 5.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to
7 read as follows:

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

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

17 (2)(a) The distribution formula under this section shall be for
18 allocation purposes only. Except as may be required under subsections
19 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
20 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
21 nothing in this section requires school districts to use basic
22 education instructional funds to implement a particular instructional
23 approach or service. Nothing in this section requires school
24 districts to maintain a particular classroom teacher-to-student ratio
25 or other staff-to-student ratio or to use allocated funds to pay for
26 particular types or classifications of staff. Nothing in this section
27 entitles an individual teacher to a particular teacher planning
28 period.

29 (b) To promote transparency in state funding allocations, the
30 superintendent of public instruction must report state per-pupil
31 allocations for each school district for the general apportionment,
32 special education, learning assistance, transitional bilingual,
33 highly capable, and career and technical education programs. The
34 superintendent must report this information in a user-friendly format
35 on the main page of the office's website. School districts must
36 include a link to the superintendent's per-pupil allocations report
37 on the main page of the school district's website. In addition, the
38 budget documents published by the legislature for the enacted omnibus
39 operating appropriations act must report statewide average per-pupil

1 allocations for general apportionment and the categorical programs
2 listed in this subsection.

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

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

27 (i) A prototypical high school has (~~six hundred~~) 600 average
28 annual full-time equivalent students in grades nine through
29 (~~twelve~~) 12;

30 (ii) A prototypical middle school has (~~four hundred thirty two~~)
31 432 average annual full-time equivalent students in grades seven and
32 eight; and

33 (iii) A prototypical elementary school has (~~four hundred~~) 400
34 average annual full-time equivalent students in grades kindergarten
35 through six.

36 (4) (a) (i) The minimum allocation for each level of prototypical
37 school shall be based on the number of full-time equivalent classroom
38 teachers needed to provide instruction over the minimum required
39 annual instructional hours under RCW 28A.150.220 and provide at least
40 one teacher planning period per school day, and based on the

1 following general education average class size of full-time
2 equivalent students per teacher:

	General education average class size
3	
4	
5	Grades K-3. 17.00
6	Grade 4. 27.00
7	Grades 5-6. 27.00
8	Grades 7-8. 28.53
9	Grades 9-12. 28.74

10 (ii) The minimum class size allocation for each prototypical high
11 school shall also provide for enhanced funding for class size
12 reduction for two laboratory science classes within grades nine
13 through (~~twelve~~) 12 per full-time equivalent high school student
14 multiplied by a laboratory science course factor of 0.0833, based on
15 the number of full-time equivalent classroom teachers needed to
16 provide instruction over the minimum required annual instructional
17 hours in RCW 28A.150.220, and providing at least one teacher planning
18 period per school day:

	Laboratory science average class size
19	
20	
21	Grades 9-12. 19.98

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

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

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

	Career and technical education average class size
32	
33	
34	
35	Approved career and technical education offered at
36	the middle school and high school level. 23.00
37	Skill center programs meeting the standards established
38	by the office of the superintendent of public

1 instruction. 19.00

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

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

6 (i) A high-poverty average class size in schools where more than
7 (~~fifty~~) 50 percent of the students are eligible for free and
8 reduced-price meals; and

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

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

	Elementary School	Middle School	High School
14 Principals, assistant principals, and other certificated building-level 15 administrators.	1.253	1.353	1.880
16 Teacher-librarians, a function that includes information literacy, technology, 17 and media to support school library media programs.	0.663	0.519	0.523
18 Teaching assistance, including any aspect of educational instructional services 19 provided by classified employees.	0.936	0.700	0.652
20 Office support and other noninstructional aides.	2.012	2.325	3.269
21 Custodians.	1.657	1.942	2.965
22 Nurses.	0.246	0.336	0.339
23 Social workers.	0.132	0.033	0.052
24 Psychologists.	0.046	0.009	0.021
25 Counselors.	0.660	1.383	2.706
26 Classified staff providing student and staff safety.	0.079	0.092	0.141
27 Parent involvement coordinators.	0.0825	0.00	0.00

30 (b)(i) The superintendent may only allocate funding, up to the
31 combined minimum allocations, for nurses, social workers,
32 psychologists, counselors, classified staff providing student and
33 staff safety, and parent involvement coordinators under (a) and (c)
34 of this subsection to the extent of and proportionate to a school
35 district's demonstrated actual ratios of: Full-time equivalent

1 physical, social, and emotional support staff to full-time equivalent
2 students.

3 (ii) The superintendent must adopt rules to implement this
4 subsection (5)(b) and the rules must require school districts to
5 prioritize funding allocated as required by (b)(i) of this subsection
6 for physical, social, and emotional support staff who hold a valid
7 educational staff associate certificate appropriate for the staff's
8 role.

9 (iii) For the purposes of this subsection (5)(b), "physical,
10 social, and emotional support staff" include nurses, social workers,
11 psychologists, counselors, classified staff providing student and
12 staff safety, parent involvement coordinators, and other school
13 district employees and contractors who provide physical, social, and
14 emotional support to students as defined by the superintendent.

15 (c) For the 2023-24 school year, in addition to the minimum
16 allocation under (a) of this subsection, the following additional
17 staffing units for each level of prototypical school will be
18 provided:

	Elementary	Middle	High
	School	School	School
19 Nurses.....	0.170	0.276	0.243
20 Social workers.....	0.090	0.027	0.037
21 Psychologists.....	0.029	0.007	0.014
22 Counselors.....	0.167	0.167	0.176

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

	Staff per 1,000 K-12 students
29 Technology.	0.628
30 Facilities, maintenance, and grounds.	1.813
31 Warehouse, laborers, and mechanics.	0.332

32 (b) The minimum allocation of staff units for each school
33 district to support certificated and classified staffing of central
34 administration shall be 5.30 percent of the staff units generated
35
36

1 under subsections (4)(a) and (5) of this section and (a) of this
2 subsection.

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

7 (8)(a) Except as provided in (b) of this subsection, the minimum
8 allocation for each school district shall include allocations per
9 annual average full-time equivalent student for the following
10 materials, supplies, and operating costs as provided in the 2017-18
11 school year, after which the allocations shall be adjusted annually
12 for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
16 Technology.	\$130.76
17 Utilities and insurance.	\$355.30
18 Curriculum and textbooks.	\$140.39
19 Other supplies	\$278.05
20 Library materials.	\$20.00
21 Instructional professional development for certificated and 22 classified staff.	\$21.71
23 Facilities maintenance.	\$176.01
24 Security and central office administration.	\$121.94

25 (b) In addition to the amounts provided in (a) of this
26 subsection, beginning in the 2014-15 school year, the omnibus
27 appropriations act shall provide the following minimum allocation for
28 each annual average full-time equivalent student in grades nine
29 through (~~twelve~~) 12 for the following materials, supplies, and
30 operating costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
34 Technology.	\$36.35
35 Curriculum and textbooks.	\$39.02
36 Other supplies	\$77.28
37 Library materials.	\$5.56
38 Instructional professional development for certificated and 39 classified staff.	\$6.04

1 (9) In addition to the amounts provided in subsection (8) of this
2 section and subject to RCW 28A.150.265, the omnibus appropriations
3 act shall provide an amount based on full-time equivalent student
4 enrollment in each of the following:

5 (a) Exploratory career and technical education courses for
6 students in grades seven through (~~twelve~~) 12;

7 (b) Preparatory career and technical education courses for
8 students in grades nine through (~~twelve~~) 12 offered in a high
9 school; and

10 (c) Preparatory career and technical education courses for
11 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
12 skill center.

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

16 (a)(i) To provide supplemental instruction and services for
17 students who are not meeting academic standards through the learning
18 assistance program under RCW 28A.165.005 through 28A.165.065,
19 allocations shall be based on the greater of either: The district
20 percentage of students in kindergarten through grade (~~twelve~~) 12
21 who were eligible for free or reduced-price meals for the school year
22 immediately preceding the district's participation, in whole or part,
23 in the United States department of agriculture's community
24 eligibility provision, or the district percentage of students in
25 grades K-12 who were eligible for free or reduced-price meals in the
26 prior school year. The minimum allocation for the program shall,
27 except as provided in (a)(iii) of this subsection, provide for each
28 level of prototypical school resources to provide, on a statewide
29 average, 2.3975 hours per week in extra instruction with a class size
30 of (~~fifteen~~) 15 learning assistance program students per teacher.

31 (ii) In addition to funding allocated under (a)(i) of this
32 subsection, to provide supplemental instruction and services for
33 students who are not meeting academic standards in qualifying
34 schools. A qualifying school, except as provided in (a)(iv) of this
35 subsection, means a school in which the three-year rolling average of
36 the prior year total annual average enrollment that qualifies for
37 free or reduced-price meals equals or exceeds (~~fifty~~) 50 percent or
38 more of its total annual average enrollment. A school continues to
39 meet the definition of a qualifying school if the school:

1 Participates in the United States department of agriculture's
2 community eligibility provision; and met the definition of a
3 qualifying school in the year immediately preceding their
4 participation. The minimum allocation for this additional high
5 poverty-based allocation must provide for each level of prototypical
6 school resources to provide, on a statewide average, 1.1 hours per
7 week in extra instruction with a class size of (~~fifteen~~) 15
8 learning assistance program students per teacher, under RCW
9 28A.165.055, school districts must distribute the high poverty-based
10 allocation to the schools that generated the funding allocation.

11 (iii) For the 2024-25 and 2025-26 school years, allocations under
12 (a)(i) of this subsection for school districts providing meals at no
13 charge to students under section 2 of this act that are not
14 participating, in whole or in part, in the United States department
15 of agriculture's community eligibility provision shall be based on
16 the school district percentage of students in grades K-12 who were
17 eligible for free or reduced-price meals in school years 2019-20
18 through 2022-23 or the prior school year, whichever is greatest.

19 (iv) For the 2024-25 and 2025-26 school years, a school providing
20 meals at no charge to students under section 2 of this act that is
21 not participating in the department of agriculture's community
22 eligibility provision continues to meet the definition of a
23 qualifying school under (a)(ii) of this subsection if the school met
24 the definition during one year of the 2019-20 through 2022-23 school
25 years, or in the prior school year.

26 (b)(i) To provide supplemental instruction and services for
27 students whose primary language is other than English, allocations
28 shall be based on the head count number of students in each school
29 who are eligible for and enrolled in the transitional bilingual
30 instruction program under RCW 28A.180.010 through 28A.180.080. The
31 minimum allocation for each level of prototypical school shall
32 provide resources to provide, on a statewide average, 4.7780 hours
33 per week in extra instruction for students in grades kindergarten
34 through six and 6.7780 hours per week in extra instruction for
35 students in grades seven through (~~twelve~~) 12, with (~~fifteen~~) 15
36 transitional bilingual instruction program students per teacher.
37 Notwithstanding other provisions of this subsection (10), the actual
38 per-student allocation may be scaled to provide a larger allocation
39 for students needing more intensive intervention and a commensurate

1 reduced allocation for students needing less intensive intervention,
2 as detailed in the omnibus appropriations act.

3 (ii) To provide supplemental instruction and services for
4 students who have exited the transitional bilingual program,
5 allocations shall be based on the head count number of students in
6 each school who have exited the transitional bilingual program within
7 the previous two years based on their performance on the English
8 proficiency assessment and are eligible for and enrolled in the
9 transitional bilingual instruction program under RCW
10 28A.180.040(1)(g). The minimum allocation for each prototypical
11 school shall provide resources to provide, on a statewide average,
12 3.0 hours per week in extra instruction with (~~fifteen~~) 15 exited
13 students per teacher.

14 (c) To provide additional allocations to support programs for
15 highly capable students under RCW 28A.185.010 through 28A.185.030,
16 allocations shall be based on 5.0 percent of each school district's
17 full-time equivalent basic education enrollment. The minimum
18 allocation for the programs shall provide resources to provide, on a
19 statewide average, 2.1590 hours per week in extra instruction with
20 fifteen highly capable program students per teacher.

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

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

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

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

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

5 (c) The enrollment of any district shall be the annual average
6 number of full-time equivalent students and part-time students as
7 provided in RCW 28A.150.350, enrolled on the first school day of each
8 month, including students who are in attendance pursuant to RCW
9 28A.335.160 and 28A.225.250 who do not reside within the servicing
10 school district. The definition of full-time equivalent student shall
11 be determined by rules of the superintendent of public instruction
12 and shall be included as part of the superintendent's biennial budget
13 request. The definition shall be based on the minimum instructional
14 hour offerings required under RCW 28A.150.220. Any revision of the
15 present definition shall not take effect until approved by the house
16 ways and means committee and the senate ways and means committee.

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

20 **Sec. 6.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to
21 read as follows:

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

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

31 (2)(a) The distribution formula under this section shall be for
32 allocation purposes only. Except as may be required under subsections
33 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
34 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
35 nothing in this section requires school districts to use basic
36 education instructional funds to implement a particular instructional
37 approach or service. Nothing in this section requires school
38 districts to maintain a particular classroom teacher-to-student ratio
39 or other staff-to-student ratio or to use allocated funds to pay for

1 particular types or classifications of staff. Nothing in this section
2 entitles an individual teacher to a particular teacher planning
3 period.

4 (b) To promote transparency in state funding allocations, the
5 superintendent of public instruction must report state per-pupil
6 allocations for each school district for the general apportionment,
7 special education, learning assistance, transitional bilingual,
8 highly capable, and career and technical education programs. The
9 superintendent must report this information in a user-friendly format
10 on the main page of the office's website. School districts must
11 include a link to the superintendent's per-pupil allocations report
12 on the main page of the school district's website. In addition, the
13 budget documents published by the legislature for the enacted omnibus
14 operating appropriations act must report statewide average per-pupil
15 allocations for general apportionment and the categorical programs
16 listed in this subsection.

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

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

1 (i) A prototypical high school has (~~six hundred~~) 600 average
2 annual full-time equivalent students in grades nine through
3 (~~twelve~~) 12;

4 (ii) A prototypical middle school has (~~four hundred thirty two~~)
5 432 average annual full-time equivalent students in grades seven and
6 eight; and

7 (iii) A prototypical elementary school has (~~four hundred~~) 400
8 average annual full-time equivalent students in grades kindergarten
9 through six.

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

	General education average class size
17 Grades K-3.	17.00
18 Grade 4.	27.00
19 Grades 5-6.	27.00
20 Grades 7-8.	28.53
21 Grades 9-12.	28.74

24 (ii) The minimum class size allocation for each prototypical high
25 school shall also provide for enhanced funding for class size
26 reduction for two laboratory science classes within grades nine
27 through (~~twelve~~) 12 per full-time equivalent high school student
28 multiplied by a laboratory science course factor of 0.0833, based on
29 the number of full-time equivalent classroom teachers needed to
30 provide instruction over the minimum required annual instructional
31 hours in RCW 28A.150.220, and providing at least one teacher planning
32 period per school day:

	Laboratory science average class size
33 Grades 9-12.	19.98

36 (b) (i) Beginning September 1, 2019, funding for average K-3 class
37 sizes in this subsection (4) may be provided only to the extent of,

1 and proportionate to, the school district's demonstrated actual class
2 size in grades K-3, up to the funded class sizes.

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

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

	Career and technical education average class size
9 Approved career and technical education offered at 10 the middle school and high school level.	23.00
11 Skill center programs meeting the standards established 12 by the office of the superintendent of public 13 instruction.	19.00

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

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

18 (i) A high-poverty average class size in schools where more than
19 ((fifty)) 50 percent of the students are eligible for free and
20 reduced-price meals; and

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

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

	Elementary School	Middle School	High School
26 Principals, assistant principals, and other certificated building-level 27 administrators.	1.253	1.353	1.880
28 Teacher-librarians, a function that includes information literacy, technology, 29 and media to support school library media programs.	0.663	0.519	0.523
30 Teaching assistance, including any aspect of educational instructional services 31 provided by classified employees.	0.936	0.700	0.652
32 Office support and other noninstructional aides.	2.012	2.325	3.269

1	Custodians.....	1.657	1.942	2.965
2	Nurses.....	0.585	0.888	0.824
3	Social workers.....	0.311	0.088	0.127
4	Psychologists.....	0.104	0.024	0.049
5	Counselors.....	0.993	1.716	3.039
6	Classified staff providing student and staff safety.....	0.079	0.092	0.141
7	Parent involvement coordinators.....	0.0825	0.00	0.00

8 (b) (i) The superintendent may only allocate funding, up to the
9 combined minimum allocations, for nurses, social workers,
10 psychologists, counselors, classified staff providing student and
11 staff safety, and parent involvement coordinators under (a) of this
12 subsection to the extent of and proportionate to a school district's
13 demonstrated actual ratios of: Full-time equivalent physical, social,
14 and emotional support staff to full-time equivalent students.

15 (ii) The superintendent must adopt rules to implement this
16 subsection (5)(b) and the rules must require school districts to
17 prioritize funding allocated as required by (b) (i) of this subsection
18 for physical, social, and emotional support staff who hold a valid
19 educational staff associate certificate appropriate for the staff's
20 role.

21 (iii) For the purposes of this subsection (5)(b), "physical,
22 social, and emotional support staff" include nurses, social workers,
23 psychologists, counselors, classified staff providing student and
24 staff safety, parent involvement coordinators, and other school
25 district employees and contractors who provide physical, social, and
26 emotional support to students as defined by the superintendent.

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

31		Staff per 1,000
32		K-12 students
33	Technology.	0.628
34	Facilities, maintenance, and grounds.	1.813
35	Warehouse, laborers, and mechanics.	0.332

36 (b) The minimum allocation of staff units for each school
37 district to support certificated and classified staffing of central

1 administration shall be 5.30 percent of the staff units generated
2 under subsections (4)(a) and (5) of this section and (a) of this
3 subsection.

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

8 (8)(a) Except as provided in (b) of this subsection, the minimum
9 allocation for each school district shall include allocations per
10 annual average full-time equivalent student for the following
11 materials, supplies, and operating costs as provided in the 2017-18
12 school year, after which the allocations shall be adjusted annually
13 for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
17 Technology.	\$130.76
18 Utilities and insurance.	\$355.30
19 Curriculum and textbooks.	\$140.39
20 Other supplies	\$278.05
21 Library materials.	\$20.00
22 Instructional professional development for certificated and 23 classified staff.	\$21.71
24 Facilities maintenance.	\$176.01
25 Security and central office administration.	\$121.94

26 (b) In addition to the amounts provided in (a) of this
27 subsection, beginning in the 2014-15 school year, the omnibus
28 appropriations act shall provide the following minimum allocation for
29 each annual average full-time equivalent student in grades nine
30 through (~~twelve~~) 12 for the following materials, supplies, and
31 operating costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
35 Technology.	\$36.35
36 Curriculum and textbooks.	\$39.02
37 Other supplies	\$77.28
38 Library materials.	\$5.56
39 Instructional professional development for certificated and	

1 classified staff. \$6.04

2 (9) In addition to the amounts provided in subsection (8) of this
3 section and subject to RCW 28A.150.265, the omnibus appropriations
4 act shall provide an amount based on full-time equivalent student
5 enrollment in each of the following:

6 (a) Exploratory career and technical education courses for
7 students in grades seven through (~~twelve~~) 12;

8 (b) Preparatory career and technical education courses for
9 students in grades nine through (~~twelve~~) 12 offered in a high
10 school; and

11 (c) Preparatory career and technical education courses for
12 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
13 skill center.

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

17 (a)(i) To provide supplemental instruction and services for
18 students who are not meeting academic standards through the learning
19 assistance program under RCW 28A.165.005 through 28A.165.065,
20 allocations shall be based on the greater of either: The district
21 percentage of students in kindergarten through grade (~~twelve~~) 12
22 who were eligible for free or reduced-price meals for the school year
23 immediately preceding the district's participation, in whole or part,
24 in the United States department of agriculture's community
25 eligibility provision, or the district percentage of students in
26 grades K-12 who were eligible for free or reduced-price meals in the
27 prior school year. The minimum allocation for the program shall,
28 except as provided in (a)(iii) of this subsection, provide for each
29 level of prototypical school resources to provide, on a statewide
30 average, 2.3975 hours per week in extra instruction with a class size
31 of (~~fifteen~~) 15 learning assistance program students per teacher.

32 (ii) In addition to funding allocated under (a)(i) of this
33 subsection, to provide supplemental instruction and services for
34 students who are not meeting academic standards in qualifying
35 schools. A qualifying school, except as provided in (a)(iv) of this
36 subsection, means a school in which the three-year rolling average of
37 the prior year total annual average enrollment that qualifies for
38 free or reduced-price meals equals or exceeds (~~fifty~~) 50 percent or
39 more of its total annual average enrollment. A school continues to

1 meet the definition of a qualifying school if the school:
2 Participates in the United States department of agriculture's
3 community eligibility provision; and met the definition of a
4 qualifying school in the year immediately preceding their
5 participation. The minimum allocation for this additional high
6 poverty-based allocation must provide for each level of prototypical
7 school resources to provide, on a statewide average, 1.1 hours per
8 week in extra instruction with a class size of (~~fifteen~~) 15
9 learning assistance program students per teacher, under RCW
10 28A.165.055, school districts must distribute the high poverty-based
11 allocation to the schools that generated the funding allocation.

12 (iii) For the 2024-25 and 2025-26 school years, allocations under
13 (a)(i) of this subsection for school districts providing meals at no
14 charge to students under section 2 of this act that are not
15 participating, in whole or in part, in the United States department
16 of agriculture's community eligibility provision shall be based on
17 the school district percentage of students in grades K-12 who were
18 eligible for free or reduced-price meals in school years 2019-20
19 through 2022-23 or the prior school year, whichever is greatest.

20 (iv) For the 2024-25 and 2025-26 school years, a school providing
21 meals at no charge to students under section 2 of this act that is
22 not participating in the department of agriculture's community
23 eligibility provision continues to meet the definition of a
24 qualifying school under (a)(ii) of this subsection if the school met
25 the definition during one year of the 2019-20 through 2022-23 school
26 years, or in the prior school year.

27 (b) (i) To provide supplemental instruction and services for
28 students whose primary language is other than English, allocations
29 shall be based on the head count number of students in each school
30 who are eligible for and enrolled in the transitional bilingual
31 instruction program under RCW 28A.180.010 through 28A.180.080. The
32 minimum allocation for each level of prototypical school shall
33 provide resources to provide, on a statewide average, 4.7780 hours
34 per week in extra instruction for students in grades kindergarten
35 through six and 6.7780 hours per week in extra instruction for
36 students in grades seven through (~~twelve~~) 12, with (~~fifteen~~) 15
37 transitional bilingual instruction program students per teacher.
38 Notwithstanding other provisions of this subsection (10), the actual
39 per-student allocation may be scaled to provide a larger allocation
40 for students needing more intensive intervention and a commensurate

1 reduced allocation for students needing less intensive intervention,
2 as detailed in the omnibus appropriations act.

3 (ii) To provide supplemental instruction and services for
4 students who have exited the transitional bilingual program,
5 allocations shall be based on the head count number of students in
6 each school who have exited the transitional bilingual program within
7 the previous two years based on their performance on the English
8 proficiency assessment and are eligible for and enrolled in the
9 transitional bilingual instruction program under RCW
10 28A.180.040(1)(g). The minimum allocation for each prototypical
11 school shall provide resources to provide, on a statewide average,
12 3.0 hours per week in extra instruction with (~~fifteen~~) 15 exited
13 students per teacher.

14 (c) To provide additional allocations to support programs for
15 highly capable students under RCW 28A.185.010 through 28A.185.030,
16 allocations shall be based on 5.0 percent of each school district's
17 full-time equivalent basic education enrollment. The minimum
18 allocation for the programs shall provide resources to provide, on a
19 statewide average, 2.1590 hours per week in extra instruction with
20 fifteen highly capable program students per teacher.

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

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

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

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

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

5 (c) The enrollment of any district shall be the annual average
6 number of full-time equivalent students and part-time students as
7 provided in RCW 28A.150.350, enrolled on the first school day of each
8 month, including students who are in attendance pursuant to RCW
9 28A.335.160 and 28A.225.250 who do not reside within the servicing
10 school district. The definition of full-time equivalent student shall
11 be determined by rules of the superintendent of public instruction
12 and shall be included as part of the superintendent's biennial budget
13 request. The definition shall be based on the minimum instructional
14 hour offerings required under RCW 28A.150.220. Any revision of the
15 present definition shall not take effect until approved by the house
16 ways and means committee and the senate ways and means committee.

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

20 **Sec. 7.** RCW 28A.405.415 and 2020 c 288 s 5 are each amended to
21 read as follows:

22 (1) Certificated instructional staff who have attained
23 certification from the national board for professional teaching
24 standards shall receive a bonus each year in which they maintain the
25 certification. The bonus shall be calculated as follows: The annual
26 bonus shall be (~~five thousand dollars~~) \$5,000 in the 2007-08 school
27 year. Thereafter, the annual bonus shall increase by inflation,
28 except that the bonus shall not be increased during the 2013-14 and
29 2014-15 school years.

30 (2)(a) Certificated instructional staff who have attained
31 certification from the national board for professional teaching
32 standards shall be eligible for bonuses in addition to that provided
33 by subsection (1) of this section if the individual is in an
34 instructional assignment in a school in which at least (~~seventy~~) 70
35 percent of the students qualify for the free and reduced-price lunch
36 program.

37 (b) An individual is eligible for bonuses authorized under this
38 subsection (2) if he or she is in an instructional assignment in a
39 school that meets the definition of high poverty school as defined in

1 rule by the office of the superintendent of public instruction in the
2 school year immediately preceding the school's participation in the
3 United States department of agriculture's community eligibility
4 provision.

5 (c) For the 2024-25 and 2025-26 school years, individuals are
6 eligible for bonuses under this subsection if they are in an
7 instructional assignment in a school providing meals at no charge to
8 students under section 2 of this act that met the definition of high
9 poverty school as defined in rule by the office of the superintendent
10 of public instruction during the 2022-23 school year.

11 (3) The amount of the additional bonus under subsection (2) of
12 this section for those meeting the qualifications of subsection (2)
13 of this section is (~~five thousand dollars~~) \$5,000.

14 (4) The bonuses provided under this section are in addition to
15 compensation received under a district's salary schedule adopted in
16 accordance with RCW 28A.405.200 and shall not be included in
17 calculations of a district's average salary and associated salary
18 limitations under RCW 28A.400.200.

19 (5) The bonuses provided under this section shall be paid in a
20 lump sum amount.

21 NEW SECTION. Sec. 8. RCW 28A.235.140 (School breakfast
22 programs) and 1993 c 333 s 1 & 1989 c 239 s 2 are each repealed.

23 NEW SECTION. Sec. 9. If specific funding for the purposes of
24 this act, referencing this act by bill or chapter number, is not
25 provided by June 30, 2023, in the omnibus appropriations act, this
26 act is null and void.

27 NEW SECTION. Sec. 10. Section 5 of this act expires September
28 1, 2024.

29 NEW SECTION. Sec. 11. Section 6 of this act takes effect
30 September 1, 2024."

E2SHB 1238 - S COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 04/11/2023

1 On page 1, line 1 of the title, after "all;" strike the remainder
2 of the title and insert "amending RCW 28A.150.260, 28A.150.260, and
3 28A.405.415; reenacting and amending RCW 28A.235.160; adding new
4 sections to chapter 28A.235 RCW; creating a new section; repealing
5 RCW 28A.235.140; providing an effective date; and providing an
6 expiration date."

EFFECT: (1) Provides that the requirements related to certain schools serving grades K-4 to provide breakfast and lunch at no charge to any requesting student will lapse if the federal reimbursement for any school breakfasts or lunches is eliminated.

(2) Removes subject to appropriations language as it relates to school districts being required to implement a breakfast program in each school providing meals at no charge beginning in the 2023-24 school year and in accordance with the school meal requirements.

(3) Removes state reimbursement for school districts that are not participating in the school lunch program or the school breakfast program that provided school meals to enrolled students meeting federal eligibility requirements for free and reduced-price lunches during the 2023-24 school year.

--- END ---