

ESHB 2494 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 03/01/2024

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that schools are
4 facing increased operating costs to serve students and staff. Some of
5 these increases are beyond inflationary adjustments and reflect the
6 evolving needs and requirements of schools. Therefore, the
7 legislature intends to increase funding for materials, supplies, and
8 operating costs in schools to address evolving operational needs.

9 **Sec. 2.** RCW 28A.150.260 and 2023 c 379 s 6 are each amended to
10 read as follows:

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

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

20 (2)(a) The distribution formula under this section shall be for
21 allocation purposes only. Except as may be required under subsections
22 (4)(b) and (c), (5)(b), (8), and (9) of this section, chapter
23 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
24 regulations, nothing in this section requires school districts to use
25 basic education instructional funds to implement a particular
26 instructional approach or service. Nothing in this section requires
27 school districts to maintain a particular classroom teacher-to-
28 student ratio or other staff-to-student ratio or to use allocated
29 funds to pay for particular types or classifications of staff.
30 Nothing in this section entitles an individual teacher to a
31 particular teacher planning period.

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

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

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

38 (i) A prototypical high school has 600 average annual full-time
39 equivalent students in grades nine through 12;

(ii) A prototypical middle school has 432 average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has 400 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:

	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

(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 12 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

1 teachers based on the following number of full-time equivalent
 2 students per teacher in career and technical education:

3		Career and technical
4		education average
5		class size
6	Approved career and technical education offered at	
7	the middle school and high school level.	23.00
8	Skill center programs meeting the standards established	
9	by the office of the superintendent of public	
10	instruction.	19.00

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

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

15 (i) A high-poverty average class size in schools where more than
 16 50 percent of the students are eligible for free and reduced-price
 17 meals; and

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

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

23		Elementary	Middle	High
24		School	School	School
25	Principals, assistant principals, and other certificated building-level			
26	administrators.	1.253	1.353	1.880
27	Teacher-librarians, a function that includes information literacy, technology,			
28	and media to support school library media programs.	0.663	0.519	0.523
29	Teaching assistance, including any aspect of educational instructional services			
30	provided by classified employees.	0.936	0.700	0.652
31	Office support and other noninstructional aides.	2.012	2.325	3.269
32	Custodians.	1.657	1.942	2.965
33	Nurses.	0.585	0.888	0.824
34	Social workers.	0.311	0.088	0.127
35	Psychologists.	0.104	0.024	0.049
36	Counselors.	0.993	1.716	3.039

1	Classified staff providing student and staff safety.	0.079	0.092	0.141
2	Parent involvement coordinators.	0.0825	0.00	0.00

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

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

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

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

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

31 (b) The minimum allocation of staff units for each school
32 district to support certificated and classified staffing of central
33 administration shall be 5.30 percent of the staff units generated
34 under subsections (4)(a) and (5) of this section and (a) of this
35 subsection.

36 (7) The distribution formula shall include staffing allocations
37 to school districts for career and technical education and skill

1 center administrative and other school-level certificated staff, as
2 specified in the omnibus appropriations act.

3 (8) (a) Except as provided in (b) of this subsection, the minimum
4 allocation for each school district shall include allocations per
5 annual average full-time equivalent student for the following
6 materials, supplies, and operating costs as provided in the
7 (~~2017-18~~) 2023-24 school year, after which the allocations shall be
8 adjusted annually for inflation as specified in the omnibus
9 appropriations act:

	Per annual average full-time equivalent student in grades K-12
10 Technology.	((\$130.76)) <u>\$178.98</u>
11 Utilities and insurance.	((\$355.30)) <u>\$430.26</u>
12 Curriculum and textbooks.	((\$140.39)) <u>\$164.48</u>
13 Other supplies	((\$278.05)) <u>\$326.54</u>
14 Library materials.	((\$20.00)) <u>\$22.65</u>
15 Instructional professional development for certificated and 16 classified staff.	((\$21.71)) <u>\$28.94</u>
17 Facilities maintenance.	((\$176.01)) <u>\$206.22</u>
18 Security and central office administration.	((\$121.94)) <u>\$146.37</u>

19 (b) In addition to the amounts provided in (a) of this
20 subsection, beginning in the (~~2014-15~~) 2023-24 school year, the
21 omnibus appropriations act shall provide the following minimum
22 allocation for each annual average full-time equivalent student in
23 grades nine through 12 for the following materials, supplies, and
24 operating costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
25 Technology.	((\$36.35)) <u>\$44.05</u>
26 Curriculum and textbooks.	((\$39.02)) <u>\$48.06</u>
27 Other supplies	((\$77.28)) <u>\$94.07</u>
28 Library materials.	((\$5.56)) <u>\$6.05</u>
29 Instructional professional development for certificated and 30 classified staff.	((\$6.04)) <u>\$8.01</u>

31 (c) The increased allocation amount of \$21 per annual average
32 full-time equivalent student for materials, supplies, and operating

1 costs provided under (a) of this subsection is intended to address
2 growing costs in the enumerated categories and may not be expended
3 for any other purpose.

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

8 (a) Exploratory career and technical education courses for
9 students in grades seven through 12;

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

12 (c) Preparatory career and technical education courses for
13 students in grades 11 and 12 offered through a 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 12 who were
22 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 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 50 percent or more of
39 its total annual average enrollment. A school continues to meet the
40 definition of a qualifying school if the school: Participates in the

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

10 (iii) For the 2024-25 and 2025-26 school years, allocations under
11 (a)(i) of this subsection for school districts providing meals at no
12 charge to students under RCW 28A.235.135 that are not participating,
13 in whole or in part, in the United States department of agriculture's
14 community eligibility provision shall be based on the school district
15 percentage of students in grades K-12 who were eligible for free or
16 reduced-price meals in school years 2019-20 through 2022-23 or the
17 prior school year, whichever is greatest.

18 (iv) For the 2024-25 and 2025-26 school years, a school providing
19 meals at no charge to students under RCW 28A.235.135 that is not
20 participating in the department of agriculture's community
21 eligibility provision continues to meet the definition of a
22 qualifying school under (a)(ii) of this subsection if the school met
23 the definition during one year of the 2019-20 through 2022-23 school
24 years, or in the prior school year.

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

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

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

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

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

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

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

39 (b) In the event the legislature rejects the distribution formula
40 recommended by the governor, without adopting a new distribution

1 formula, the distribution formula for the previous school year shall
2 remain in effect.

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

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

18 NEW SECTION. **Sec. 3.** The state must provide the full school
19 year amount for materials, supplies, and operating costs provided in
20 this act for the 2023-24 school year. The first month's distribution
21 of additional amounts provided under this act in the 2023-24 school
22 year must be a proportion of the total annual additional amount
23 provided in this act equal to the sum of the proportional shares
24 under RCW 28A.510.250 from September 2023 to the first month's
25 distribution.

26 This section expires September 1, 2024.

27 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
28 this act, referencing this act by bill or chapter number, is not
29 provided by June 30, 2024, in the omnibus appropriations act, this
30 act is null and void."

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By Committee on Early Learning & K-12 Education

ADOPTED 03/01/2024

1 On page 1, line 1 of the title, after "schools;" strike the
2 remainder of the title and insert "amending RCW 28A.150.260; creating
3 new sections; and providing an expiration date."

EFFECT: Provides that the increased MSOC allocation amount of \$21 per student is intended to address growing costs in the enumerated categories and may not be expended for any other purpose.

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