
SECOND SUBSTITUTE HOUSE BILL 1238

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Riccelli, Harris, Alvarado, Thai, Simmons, Senn, Rude, Reeves, Reed, Walen, Peterson, Ortiz-Self, Ormsby, Taylor, Leavitt, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Morgan, Fey, Ramel, Goodman, Fosse, Pollet, Lekanoff, Macri, Chopp, Stonier, Gregerson, and Santos; by request of Superintendent of Public Instruction)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to providing free school meals for all; amending
2 RCW 28A.150.260, 28A.150.260, and 28A.405.415; reenacting and
3 amending RCW 28A.235.160; adding a new section to chapter 28A.235
4 RCW; creating a new section; repealing RCW 28A.235.140; providing an
5 effective date; and providing an expiration date.

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

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

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

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

6 (4) The legislature recognizes also that the myriad difficulties
7 of the COVID-19 pandemic uniquely impacted school districts and food
8 delivery systems. While the challenges of responding to the
9 unprecedented disruptions of a global pandemic continue to
10 reverberate in public schools, school districts, through hard work,
11 federal approvals, and appropriate financial supports, successfully
12 demonstrated their ability to provide meals without charge to all
13 requesting students. However, federal provisions permitting meals to
14 be served at no charge to all students during the school year have
15 expired, so the task of broadly responding to student meal needs has
16 returned to the states.

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

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

27 (1)(a) In accordance with (b) and (c) of this subsection,
28 beginning with the 2023-24 school year, each school district shall
29 provide breakfast and lunch each school day to any student who
30 requests a breakfast, lunch, or both. The school district must
31 provide the meals at no charge to the student and without
32 consideration of the student's eligibility for a federally reimbursed
33 free or reduced-price meal. Meals provided under this section must be
34 nutritiously adequate and qualify for federal reimbursement under the
35 school lunch program or the school breakfast program, and students
36 are not eligible for more than one meal in a meal service period.

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

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

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

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

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

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

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

18 (2) The office of the superintendent of public instruction shall
19 reimburse school districts, subject to the requirements of subsection
20 (1) of this section, on a per meal reimbursement basis for meals that
21 are not already reimbursed at the United States department of
22 agriculture's free rate. The additional state reimbursement amount
23 must be the difference between the United States department of
24 agriculture's free rate and the United States department of
25 agriculture's paid rate.

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

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

35 (5) For the purposes of this section, the following definitions
36 apply:

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

38 (b) "School breakfast program" has the same meaning as in RCW
39 28A.235.160.

1 (c) "School lunch program" has the same meaning as in RCW
2 28A.235.160.

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

8 **Sec. 3.** RCW 28A.235.160 and 2021 c 74 s 2 are each reenacted and
9 amended to read as follows:

10 (1) For the purposes of this section:

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

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

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

19 (d) "School lunch program" means a meal program meeting the
20 requirements defined (~~(by the superintendent of public instruction~~
21 ~~under subsection (2) (b) of this section)~~) in Title 42 U.S.C. Sec.
22 1751 et seq.

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

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

29 (2) School districts shall implement a school lunch program in
30 each public school in the district in which educational services are
31 provided to children in any of the grades of kindergarten through
32 four and in which (~~(twenty-five)~~) 25 percent or more of the enrolled
33 students qualify for a free or reduced-price lunch. In accordance
34 with section 2 of this act, school districts shall provide meals at
35 no charge to all requesting students at public schools that meet the
36 criteria established in section 2(1) (b) and (c) of this act. In
37 developing and implementing its school lunch program and school
38 breakfast program, each school district may consult with an advisory

1 committee including school staff, community members, and others
2 appointed by the board of directors of the district.

3 ~~((a) Applications to determine free or reduced-price lunch
4 eligibility shall be distributed and collected for all households of
5 children in schools containing any of the grades kindergarten through
6 four and in which there are no United States department of
7 agriculture child nutrition programs. The applications that are
8 collected must be reviewed to determine eligibility for free or
9 reduced-price lunches. Nothing in this section shall be construed to
10 require completion or submission of the application by a parent or
11 guardian.~~

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

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

22 ~~(ii) The superintendent shall establish minimum standards
23 defining the lunch meals to be served, and such standards must be
24 sufficient to qualify the meals for any available federal
25 reimbursement.~~

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

29 (3) To the extent funds are appropriated for this purpose, each
30 school district shall implement a school breakfast program in each
31 school where more than ~~((forty))~~ 40 percent of students eligible to
32 participate in the school lunch program qualify for free or reduced-
33 price meal reimbursement ~~((by the school year 2005-06))~~. Subject to
34 the availability of amounts appropriated for this specific purpose,
35 beginning in the 2024-25 school year, school districts shall
36 implement a breakfast program in each school providing meals at no
37 charge to students under section 2 of this act. For the second year
38 before the implementation of the district's school breakfast program,
39 and for each subsequent school year, each school district shall
40 submit data enabling the superintendent of public instruction to

1 determine which schools within the district will qualify for this
2 requirement. Schools where lunch programs start after the 2003-04
3 school year, where (~~forty~~) 30 percent of students qualify for free
4 or reduced-price meals, must begin school breakfast programs the
5 second year following the start of a lunch program.

6 (4) Each school district shall implement a summer food service
7 program in each public school in the district in which a summer
8 program of academic, enrichment, or remedial services is provided and
9 in which 50 percent or more of the children enrolled in the school
10 (~~qualify~~) meet federal eligibility requirements for free or
11 reduced-price lunch. However, the superintendent of public
12 instruction shall develop rules establishing criteria to permit an
13 exemption for a school that can demonstrate availability of an
14 adequate alternative summer feeding program. Sites providing meals
15 should be open to all children in the area, unless a compelling case
16 can be made to limit access to the program. The superintendent of
17 public instruction shall adopt a definition of compelling case and a
18 schedule for implementation as follows:

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

21 (b) Beginning the summer following the school year during which a
22 school implements a school lunch program under (~~subsection (2) (b)~~
23 ~~ef~~) this section.

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

27 (a) Preparing the meals on-site;

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

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

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

38 (7) Beginning in the 2021-22 school year, school districts with
39 school lunch programs must eliminate lunch copays for students in
40 prekindergarten through 12th grade who qualify for reduced-price

1 lunches, and the superintendent of public instruction must allocate
2 funding for this purpose.

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

6 (9) School districts may be exempted from the requirements of
7 this section and section 2 of this act by showing good cause why they
8 cannot comply with the office of the superintendent of public
9 instruction to the extent that such exemption is not in conflict with
10 federal or state law. The process and criteria by which school
11 districts (~~are~~) may be exempted shall be developed by rule and
12 revised if necessary by the office of the superintendent of public
13 instruction in consultation with representatives of school directors,
14 school food service, community-based organizations, and (~~the~~
15 ~~Washington state PTA~~) a state organization of parents and teachers.

16 **Sec. 4.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to
17 read as follows:

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

23 (1) The governor shall and the superintendent of public
24 instruction may recommend to the legislature a formula for the
25 distribution of a basic education instructional allocation for each
26 common school district.

27 (2)(a) The distribution formula under this section shall be for
28 allocation purposes only. Except as may be required under subsections
29 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
30 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
31 nothing in this section requires school districts to use basic
32 education instructional funds to implement a particular instructional
33 approach or service. Nothing in this section requires school
34 districts to maintain a particular classroom teacher-to-student ratio
35 or other staff-to-student ratio or to use allocated funds to pay for
36 particular types or classifications of staff. Nothing in this section
37 entitles an individual teacher to a particular teacher planning
38 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 (~~six-hundred~~) 600 average
39 annual full-time equivalent students in grades nine through
40 (~~twelve~~) 12;

1 (ii) A prototypical middle school has (~~four hundred thirty-two~~)
2 432 average annual full-time equivalent students in grades seven and
3 eight; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators.	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs.	0.663	0.519	0.523
Teaching assistance, including any aspect of educational instructional services provided by classified employees.	0.936	0.700	0.652
Office support and other noninstructional aides.	2.012	2.325	3.269
Custodians.	1.657	1.942	2.965
Nurses.	0.246	0.336	0.339
Social workers.	0.132	0.033	0.052
Psychologists.	0.046	0.009	0.021

1	Counselors.....	0.660	1.383	2.706
2	Classified staff providing student and staff safety.....	0.079	0.092	0.141
3	Parent involvement coordinators.....	0.0825	0.00	0.00

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

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

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

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

28		Elementary	Middle	High
29		School	School	School
30	Nurses.....	0.170	0.276	0.243
31	Social workers.....	0.090	0.027	0.037
32	Psychologists.....	0.029	0.007	0.014
33	Counselors.....	0.167	0.167	0.176

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

1		Staff per 1,000
2		K-12 students
3	Technology.	0.628
4	Facilities, maintenance, and grounds.	1.813
5	Warehouse, laborers, and mechanics.	0.332

6 (b) The minimum allocation of staff units for each school
7 district to support certificated and classified staffing of central
8 administration shall be 5.30 percent of the staff units generated
9 under subsections (4)(a) and (5) of this section and (a) of this
10 subsection.

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

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

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

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

1		Per annual average
2		full-time equivalent student
3		in grades 9-12
4	Technology.	\$36.35
5	Curriculum and textbooks.	\$39.02
6	Other supplies	\$77.28
7	Library materials.	\$5.56
8	Instructional professional development for certificated and	
9	classified staff.	\$6.04

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

- 14 (a) Exploratory career and technical education courses for
15 students in grades seven through (~~twelve~~) 12;
- 16 (b) Preparatory career and technical education courses for
17 students in grades nine through (~~twelve~~) 12 offered in a high
18 school; and
- 19 (c) Preparatory career and technical education courses for
20 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
21 skill center.

22 (10) In addition to the allocations otherwise provided under this
23 section, amounts shall be provided to support the following programs
24 and services:

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

1 (ii) In addition to funding allocated under (a)(i) of this
2 subsection, to provide supplemental instruction and services for
3 students who are not meeting academic standards in qualifying
4 schools. A qualifying school, except as provided in (a)(iv) of this
5 subsection, means a school in which the three-year rolling average of
6 the prior year total annual average enrollment that qualifies for
7 free or reduced-price meals equals or exceeds (~~(fifty)~~) 50 percent or
8 more of its total annual average enrollment. A school continues to
9 meet the definition of a qualifying school if the school:
10 Participates in the United States department of agriculture's
11 community eligibility provision; and met the definition of a
12 qualifying school in the year immediately preceding their
13 participation. The minimum allocation for this additional high
14 poverty-based allocation must provide for each level of prototypical
15 school resources to provide, on a statewide average, 1.1 hours per
16 week in extra instruction with a class size of (~~(fifteen)~~) 15
17 learning assistance program students per teacher, under RCW
18 28A.165.055, school districts must distribute the high poverty-based
19 allocation to the schools that generated the funding allocation.

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

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

35 (b) (i) To provide supplemental instruction and services for
36 students whose primary language is other than English, allocations
37 shall be based on the head count number of students in each school
38 who are eligible for and enrolled in the transitional bilingual
39 instruction program under RCW 28A.180.010 through 28A.180.080. The
40 minimum allocation for each level of prototypical school shall

1 provide resources to provide, on a statewide average, 4.7780 hours
2 per week in extra instruction for students in grades kindergarten
3 through six and 6.7780 hours per week in extra instruction for
4 students in grades seven through ~~((twelve))~~ 12, with ~~((fifteen))~~ 15
5 transitional bilingual instruction program students per teacher.
6 Notwithstanding other provisions of this subsection (10), the actual
7 per-student allocation may be scaled to provide a larger allocation
8 for students needing more intensive intervention and a commensurate
9 reduced allocation for students needing less intensive intervention,
10 as detailed in the omnibus appropriations act.

11 (ii) To provide supplemental instruction and services for
12 students who have exited the transitional bilingual program,
13 allocations shall be based on the head count number of students in
14 each school who have exited the transitional bilingual program within
15 the previous two years based on their performance on the English
16 proficiency assessment and are eligible for and enrolled in the
17 transitional bilingual instruction program under RCW
18 28A.180.040(1)(g). The minimum allocation for each prototypical
19 school shall provide resources to provide, on a statewide average,
20 3.0 hours per week in extra instruction with ~~((fifteen))~~ 15 exited
21 students per teacher.

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

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

33 (12)(a) For the purposes of allocations for prototypical high
34 schools and middle schools under subsections (4) and (10) of this
35 section that are based on the percent of students in the school who
36 are eligible for free and reduced-price meals, the actual percent of
37 such students in a school shall be adjusted by a factor identified in
38 the omnibus appropriations act to reflect underreporting of free and
39 reduced-price meal eligibility among middle and high school students.

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

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

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

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

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

29 **Sec. 5.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to
30 read as follows:

31 The purpose of this section is to provide for the allocation of
32 state funding that the legislature deems necessary to support school
33 districts in offering the minimum instructional program of basic
34 education under RCW 28A.150.220. The allocation shall be determined
35 as follows:

36 (1) The governor shall and the superintendent of public
37 instruction may recommend to the legislature a formula for the
38 distribution of a basic education instructional allocation for each
39 common school district.

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

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

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

1 districts be adjusted from the school prototypes based on the actual
2 number of annual average full-time equivalent students in each grade
3 level at each school in the district and not based on the grade-level
4 configuration of the school to the extent that data is available. The
5 allocations shall be further adjusted from the school prototypes with
6 minimum allocations for small schools and to reflect other factors
7 identified in the omnibus appropriations act.

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

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

13 (ii) A prototypical middle school has (~~four hundred thirty-two~~)
14 432 average annual full-time equivalent students in grades seven and
15 eight; and

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

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

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

31 (ii) The minimum class size allocation for each prototypical high
32 school shall also provide for enhanced funding for class size
33 reduction for two laboratory science classes within grades nine
34 through (~~twelve~~) 12 per full-time equivalent high school student
35 multiplied by a laboratory science course factor of 0.0833, based on
36 the number of full-time equivalent classroom teachers needed to
37 provide instruction over the minimum required annual instructional
38
39

1 hours in RCW 28A.150.220, and providing at least one teacher planning
2 period per school day:

3 Laboratory science
4 average class size
5 Grades 9-12. 19.98

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

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

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

16 Career and technical
17 education average
18 class size
19 Approved career and technical education offered at
20 the middle school and high school level. 23.00
21 Skill center programs meeting the standards established
22 by the office of the superintendent of public
23 instruction. 19.00

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

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

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

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

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

36 Elementary Middle High
37 School School School

1	Principals, assistant principals, and other certificated building-level			
2	administrators.	1.253	1.353	1.880
3	Teacher-librarians, a function that includes information literacy, technology,			
4	and media to support school library media programs.	0.663	0.519	0.523
5	Teaching assistance, including any aspect of educational instructional services			
6	provided by classified employees.	0.936	0.700	0.652
7	Office support and other noninstructional aides.	2.012	2.325	3.269
8	Custodians.	1.657	1.942	2.965
9	Nurses.	0.585	0.888	0.824
10	Social workers.	0.311	0.088	0.127
11	Psychologists.	0.104	0.024	0.049
12	Counselors.	0.993	1.716	3.039
13	Classified staff providing student and staff safety.	0.079	0.092	0.141
14	Parent involvement coordinators.	0.0825	0.00	0.00

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

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

28 (iii) For the purposes of this subsection (5)(b), "physical,
29 social, and emotional support staff" include nurses, social workers,
30 psychologists, counselors, classified staff providing student and
31 staff safety, parent involvement coordinators, and other school
32 district employees and contractors who provide physical, social, and
33 emotional support to students as defined by the superintendent.

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

1		Staff per 1,000
2		K-12 students
3	Technology.	0.628
4	Facilities, maintenance, and grounds.	1.813
5	Warehouse, laborers, and mechanics.	0.332

6 (b) The minimum allocation of staff units for each school
7 district to support certificated and classified staffing of central
8 administration shall be 5.30 percent of the staff units generated
9 under subsections (4)(a) and (5) of this section and (a) of this
10 subsection.

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

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

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

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

	Per annual average full-time equivalent student in grades 9-12
1 Technology	\$36.35
2 Curriculum and textbooks	\$39.02
3 Other supplies	\$77.28
4 Library materials	\$5.56
5 Instructional professional development for certificated and 6 classified staff	\$6.04

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

- 11 (a) Exploratory career and technical education courses for
12 students in grades seven through (~~twelve~~) 12;
- 13 (b) Preparatory career and technical education courses for
14 students in grades nine through (~~twelve~~) 12 offered in a high
15 school; and
- 16 (c) Preparatory career and technical education courses for
17 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
18 skill center.

19 (10) In addition to the allocations otherwise provided under this
20 section, amounts shall be provided to support the following programs
21 and services:

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

1 (ii) In addition to funding allocated under (a)(i) of this
2 subsection, to provide supplemental instruction and services for
3 students who are not meeting academic standards in qualifying
4 schools. A qualifying school, except as provided in (a)(iv) of this
5 subsection, means a school in which the three-year rolling average of
6 the prior year total annual average enrollment that qualifies for
7 free or reduced-price meals equals or exceeds (~~(fifty)~~) 50 percent or
8 more of its total annual average enrollment. A school continues to
9 meet the definition of a qualifying school if the school:
10 Participates in the United States department of agriculture's
11 community eligibility provision; and met the definition of a
12 qualifying school in the year immediately preceding their
13 participation. The minimum allocation for this additional high
14 poverty-based allocation must provide for each level of prototypical
15 school resources to provide, on a statewide average, 1.1 hours per
16 week in extra instruction with a class size of (~~(fifteen)~~) 15
17 learning assistance program students per teacher, under RCW
18 28A.165.055, school districts must distribute the high poverty-based
19 allocation to the schools that generated the funding allocation.

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

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

35 (b) (i) To provide supplemental instruction and services for
36 students whose primary language is other than English, allocations
37 shall be based on the head count number of students in each school
38 who are eligible for and enrolled in the transitional bilingual
39 instruction program under RCW 28A.180.010 through 28A.180.080. The
40 minimum allocation for each level of prototypical school shall

1 provide resources to provide, on a statewide average, 4.7780 hours
2 per week in extra instruction for students in grades kindergarten
3 through six and 6.7780 hours per week in extra instruction for
4 students in grades seven through ~~((twelve))~~ 12, with ~~((fifteen))~~ 15
5 transitional bilingual instruction program students per teacher.
6 Notwithstanding other provisions of this subsection (10), the actual
7 per-student allocation may be scaled to provide a larger allocation
8 for students needing more intensive intervention and a commensurate
9 reduced allocation for students needing less intensive intervention,
10 as detailed in the omnibus appropriations act.

11 (ii) To provide supplemental instruction and services for
12 students who have exited the transitional bilingual program,
13 allocations shall be based on the head count number of students in
14 each school who have exited the transitional bilingual program within
15 the previous two years based on their performance on the English
16 proficiency assessment and are eligible for and enrolled in the
17 transitional bilingual instruction program under RCW
18 28A.180.040(1)(g). The minimum allocation for each prototypical
19 school shall provide resources to provide, on a statewide average,
20 3.0 hours per week in extra instruction with ~~((fifteen))~~ 15 exited
21 students per teacher.

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

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

33 (12)(a) For the purposes of allocations for prototypical high
34 schools and middle schools under subsections (4) and (10) of this
35 section that are based on the percent of students in the school who
36 are eligible for free and reduced-price meals, the actual percent of
37 such students in a school shall be adjusted by a factor identified in
38 the omnibus appropriations act to reflect underreporting of free and
39 reduced-price meal eligibility among middle and high school students.

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

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

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

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

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

29 **Sec. 6.** RCW 28A.405.415 and 2020 c 288 s 5 are each amended to
30 read as follows:

31 (1) Certificated instructional staff who have attained
32 certification from the national board for professional teaching
33 standards shall receive a bonus each year in which they maintain the
34 certification. The bonus shall be calculated as follows: The annual
35 bonus shall be (~~five thousand dollars~~) \$5,000 in the 2007-08 school
36 year. Thereafter, the annual bonus shall increase by inflation,
37 except that the bonus shall not be increased during the 2013-14 and
38 2014-15 school years.

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

8 (b) An individual is eligible for bonuses authorized under this
9 subsection (2) if he or she is in an instructional assignment in a
10 school that meets the definition of high poverty school as defined in
11 rule by the office of the superintendent of public instruction in the
12 school year immediately preceding the school's participation in the
13 United States department of agriculture's community eligibility
14 provision.

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

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

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

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

31 NEW SECTION. Sec. 7. RCW 28A.235.140 (School breakfast
32 programs) and 1993 c 333 s 1 & 1989 c 239 s 2 are each repealed.

33 NEW SECTION. Sec. 8. If specific funding for the purposes of
34 this act, referencing this act by bill or chapter number, is not
35 provided by June 30, 2023, in the omnibus appropriations act, this
36 act is null and void.

1 NEW SECTION. **Sec. 9.** Section 4 of this act expires September 1,
2 2024.

3 NEW SECTION. **Sec. 10.** Section 5 of this act takes effect
4 September 1, 2024.

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