

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1238

68th Legislature
2023 Regular Session

Passed by the House April 18, 2023
Yeas 92 Nays 4

**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 44 Nays 5

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1238** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1238

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

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, 28A.405.415, and 28A.235.300;
3 reenacting and amending RCW 28A.235.160; adding new sections to
4 chapter 28A.235 RCW; creating new sections; repealing RCW
5 28A.235.140; providing an effective date; and providing an expiration
6 date.

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

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

14 (2) The legislature has acknowledged the widespread but often
15 concealed harms of childhood hunger by enacting legislation in recent
16 years to address this issue. For example, in 2018, the legislature
17 established a breakfast after the bell program in high-needs schools,
18 in 2021, the legislature eliminated lunch copays for qualifying
19 students, and in 2022, the legislature expanded school participation
20 in the federal community eligibility provision, a program that
21 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 (7) The requirements in this section shall lapse if the federal
9 reimbursement for any school breakfasts or lunches is eliminated.

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

12 Public schools, as defined in RCW 28A.150.010, providing school
13 meals to students are encouraged to buy Washington produced food
14 whenever practicable and cost is comparable to non-Washington
15 produced food.

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

18 (1) For the purposes of this section:

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

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

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

27 (d) "School lunch program" means a meal program meeting the
28 requirements defined (~~(by the superintendent of public instruction~~
29 ~~under subsection (2) (b) of this section)~~) in Title 42 U.S.C. Sec.
30 1751 et seq.

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

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

37 (2) School districts shall implement a school lunch program in
38 each public school in the district in which educational services are

1 provided to children in any of the grades of kindergarten through
2 four and in which (~~twenty-five~~) 25 percent or more of the enrolled
3 students qualify for a free or reduced-price lunch. In accordance
4 with section 2 of this act, school districts shall provide meals at
5 no charge to all requesting students at public schools that meet the
6 criteria established in section 2(1) (b) and (c) of this act. In
7 developing and implementing its school lunch program and school
8 breakfast program, each school district may consult with an advisory
9 committee including school staff, community members, and others
10 appointed by the board of directors of the district.

11 ~~((a) Applications to determine free or reduced-price lunch~~
12 ~~eligibility shall be distributed and collected for all households of~~
13 ~~children in schools containing any of the grades kindergarten through~~
14 ~~four and in which there are no United States department of~~
15 ~~agriculture child nutrition programs. The applications that are~~
16 ~~collected must be reviewed to determine eligibility for free or~~
17 ~~reduced-price lunches. Nothing in this section shall be construed to~~
18 ~~require completion or submission of the application by a parent or~~
19 ~~guardian.~~

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

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

30 ~~(ii) The superintendent shall establish minimum standards~~
31 ~~defining the lunch meals to be served, and such standards must be~~
32 ~~sufficient to qualify the meals for any available federal~~
33 ~~reimbursement.~~

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

37 (3) To the extent funds are appropriated for this purpose, each
38 school district shall implement a school breakfast program in each
39 school where more than (~~forty~~) 40 percent of students eligible to
40 participate in the school lunch program qualify for free or reduced-

1 price meal reimbursement (~~by the school year 2005-06~~). Beginning in
2 the 2023-24 school year and in accordance with section 2 of this act,
3 school districts shall implement a breakfast program in each school
4 providing meals at no charge to students. For the second year before
5 the implementation of the district's school breakfast program, and
6 for each subsequent school year, each school district shall submit
7 data enabling the superintendent of public instruction to determine
8 which schools within the district will qualify for this requirement.
9 Schools where lunch programs start after the 2003-04 school year,
10 where (~~forty~~) 30 percent of students qualify for free or reduced-
11 price meals, must begin school breakfast programs the second year
12 following the start of a lunch program.

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

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

28 (b) Beginning the summer following the school year during which a
29 school implements a school lunch program under (~~subsection (2)(b)~~
30 ~~of~~) this section.

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

34 (a) Preparing the meals on-site;

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

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

39 (6) Requirements that school districts have a school lunch,
40 breakfast, or summer nutrition program under this section shall not

1 create or imply any state funding obligation for these costs. The
2 legislature does not intend to include these programs within the
3 state's obligation for basic education funding under Article IX of
4 the state Constitution.

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

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

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

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

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

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

34 (2)(a) The distribution formula under this section shall be for
35 allocation purposes only. Except as may be required under subsections
36 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
37 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
38 nothing in this section requires school districts to use basic
39 education instructional funds to implement a particular instructional

1 approach or service. Nothing in this section requires school
2 districts to maintain a particular classroom teacher-to-student ratio
3 or other staff-to-student ratio or to use allocated funds to pay for
4 particular types or classifications of staff. Nothing in this section
5 entitles an individual teacher to a particular teacher planning
6 period.

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

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

1 minimum allocations for small schools and to reflect other factors
2 identified in the omnibus appropriations act.

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

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

8 (ii) A prototypical middle school has (~~four hundred thirty two~~)
9 432 average annual full-time equivalent students in grades seven and
10 eight; and

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

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

| | General education average class size |
|-------------------------|---|
| 21 Grades K-3. | 17.00 |
| 22 Grade 4. | 27.00 |
| 23 Grades 5-6. | 27.00 |
| 24 Grades 7-8. | 28.53 |
| 25 Grades 9-12. | 28.74 |

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

| | Laboratory science average class size |
|-------------------------|--|
| 35 Grades 9-12. | 19.98 |

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

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

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

| | Career and technical education average class size |
|---|---|
| 14 Approved career and technical education offered at 15 the middle school and high school level. | 23.00 |
| 16 Skill center programs meeting the standards established 17 by the office of the superintendent of public 18 instruction. | 19.00 |

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

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

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

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

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

| | Elementary School | Middle School | High School |
|---|----------------------|------------------|----------------|
| 33 Principals, assistant principals, and other certificated building-level 34 administrators. | 1.253 | 1.353 | 1.880 |
| 35 Teacher-librarians, a function that includes information literacy, technology, 36 and media to support school library media programs. | 0.663 | 0.519 | 0.523 |

| | | | | |
|----|---|--------|-------|-------|
| 1 | Teaching assistance, including any aspect of educational instructional services | | | |
| 2 | provided by classified employees. | 0.936 | 0.700 | 0.652 |
| 3 | Office support and other noninstructional aides. | 2.012 | 2.325 | 3.269 |
| 4 | Custodians. | 1.657 | 1.942 | 2.965 |
| 5 | Nurses. | 0.246 | 0.336 | 0.339 |
| 6 | Social workers. | 0.132 | 0.033 | 0.052 |
| 7 | Psychologists. | 0.046 | 0.009 | 0.021 |
| 8 | Counselors. | 0.660 | 1.383 | 2.706 |
| 9 | Classified staff providing student and staff safety. | 0.079 | 0.092 | 0.141 |
| 10 | Parent involvement coordinators. | 0.0825 | 0.00 | 0.00 |

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

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

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

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

| | | | | |
|----|--------------|------------|--------|--------|
| 35 | | Elementary | Middle | High |
| 36 | | School | School | School |
| 37 | Nurses. | 0.170 | 0.276 | 0.243 |

| | | | | |
|---|---------------------|-------|-------|-------|
| 1 | Social workers..... | 0.090 | 0.027 | 0.037 |
| 2 | Psychologists..... | 0.029 | 0.007 | 0.014 |
| 3 | Counselors..... | 0.167 | 0.167 | 0.176 |

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

| | | | | |
|----|---|--|-----------------|-------|
| 8 | | | Staff per 1,000 | |
| 9 | | | K-12 students | |
| 10 | Technology. | | | 0.628 |
| 11 | Facilities, maintenance, and grounds. | | | 1.813 |
| 12 | Warehouse, laborers, and mechanics. | | | 0.332 |

13 (b) The minimum allocation of staff units for each school
14 district to support certificated and classified staffing of central
15 administration shall be 5.30 percent of the staff units generated
16 under subsections (4) (a) and (5) of this section and (a) of this
17 subsection.

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

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

| | | | | |
|----|---|--|------------------------------|----------|
| 28 | | | Per annual average | |
| 29 | | | full-time equivalent student | |
| 30 | | | in grades K-12 | |
| 31 | Technology. | | | \$130.76 |
| 32 | Utilities and insurance. | | | \$355.30 |
| 33 | Curriculum and textbooks. | | | \$140.39 |
| 34 | Other supplies | | | \$278.05 |
| 35 | Library materials. | | | \$20.00 |
| 36 | Instructional professional development for certificated and | | | |
| 37 | classified staff. | | | \$21.71 |

1 Facilities maintenance. \$176.01
2 Security and central office administration. \$121.94

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

| | Per annual average full-time equivalent student in grades 9-12 |
|--|--|
| 9 | |
| 10 | |
| 11 | |
| 12 Technology. | \$36.35 |
| 13 Curriculum and textbooks. | \$39.02 |
| 14 Other supplies | \$77.28 |
| 15 Library materials. | \$5.56 |
| 16 Instructional professional development for certificated and | |
| 17 classified staff. | \$6.04 |

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

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

24 (b) Preparatory career and technical education courses for
25 students in grades nine through (~~twelve~~) 12 offered in a high
26 school; and

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

30 (10) In addition to the allocations otherwise provided under this
31 section, amounts shall be provided to support the following programs
32 and services:

33 (a)(i) To provide supplemental instruction and services for
34 students who are not meeting academic standards through the learning
35 assistance program under RCW 28A.165.005 through 28A.165.065,
36 allocations shall be based on the greater of either: The district
37 percentage of students in kindergarten through grade (~~twelve~~) 12
38 who were eligible for free or reduced-price meals for the school year
39 immediately preceding the district's participation, in whole or part,

1 in the United States department of agriculture's community
2 eligibility provision, or the district percentage of students in
3 grades K-12 who were eligible for free or reduced-price meals in the
4 prior school year. The minimum allocation for the program shall,
5 except as provided in (a)(iii) of this subsection, provide for each
6 level of prototypical school resources to provide, on a statewide
7 average, 2.3975 hours per week in extra instruction with a class size
8 of (~~fifteen~~) 15 learning assistance program students per teacher.

9 (ii) In addition to funding allocated under (a)(i) of this
10 subsection, to provide supplemental instruction and services for
11 students who are not meeting academic standards in qualifying
12 schools. A qualifying school, except as provided in (a)(iv) of this
13 subsection, means a school in which the three-year rolling average of
14 the prior year total annual average enrollment that qualifies for
15 free or reduced-price meals equals or exceeds (~~fifty~~) 50 percent or
16 more of its total annual average enrollment. A school continues to
17 meet the definition of a qualifying school if the school:
18 Participates in the United States department of agriculture's
19 community eligibility provision; and met the definition of a
20 qualifying school in the year immediately preceding their
21 participation. The minimum allocation for this additional high
22 poverty-based allocation must provide for each level of prototypical
23 school resources to provide, on a statewide average, 1.1 hours per
24 week in extra instruction with a class size of (~~fifteen~~) 15
25 learning assistance program students per teacher, under RCW
26 28A.165.055, school districts must distribute the high poverty-based
27 allocation to the schools that generated the funding allocation.

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

36 (iv) For the 2024-25 and 2025-26 school years, a school providing
37 meals at no charge to students under section 2 of this act that is
38 not participating in the department of agriculture's community
39 eligibility provision continues to meet the definition of a
40 qualifying school under (a)(ii) of this subsection if the school met

1 the definition during one year of the 2019-20 through 2022-23 school
2 years, or in the prior school year.

3 (b) (i) To provide supplemental instruction and services for
4 students whose primary language is other than English, allocations
5 shall be based on the head count number of students in each school
6 who are eligible for and enrolled in the transitional bilingual
7 instruction program under RCW 28A.180.010 through 28A.180.080. The
8 minimum allocation for each level of prototypical school shall
9 provide resources to provide, on a statewide average, 4.7780 hours
10 per week in extra instruction for students in grades kindergarten
11 through six and 6.7780 hours per week in extra instruction for
12 students in grades seven through ~~((twelve))~~ 12, with ~~((fifteen))~~ 15
13 transitional bilingual instruction program students per teacher.
14 Notwithstanding other provisions of this subsection (10), the actual
15 per-student allocation may be scaled to provide a larger allocation
16 for students needing more intensive intervention and a commensurate
17 reduced allocation for students needing less intensive intervention,
18 as detailed in the omnibus appropriations act.

19 (ii) To provide supplemental instruction and services for
20 students who have exited the transitional bilingual program,
21 allocations shall be based on the head count number of students in
22 each school who have exited the transitional bilingual program within
23 the previous two years based on their performance on the English
24 proficiency assessment and are eligible for and enrolled in the
25 transitional bilingual instruction program under RCW
26 28A.180.040(1)(g). The minimum allocation for each prototypical
27 school shall provide resources to provide, on a statewide average,
28 3.0 hours per week in extra instruction with ~~((fifteen))~~ 15 exited
29 students per teacher.

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

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

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

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

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

17 (b) In the event the legislature rejects the distribution formula
18 recommended by the governor, without adopting a new distribution
19 formula, the distribution formula for the previous school year shall
20 remain in effect.

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

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

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

38 The purpose of this section is to provide for the allocation of
39 state funding that the legislature deems necessary to support school

1 districts in offering the minimum instructional program of basic
2 education under RCW 28A.150.220. The allocation shall be determined
3 as follows:

4 (1) The governor shall and the superintendent of public
5 instruction may recommend to the legislature a formula for the
6 distribution of a basic education instructional allocation for each
7 common school district.

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

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

33 (3)(a) To the extent the technical details of the formula have
34 been adopted by the legislature and except when specifically provided
35 as a school district allocation, the distribution formula for the
36 basic education instructional allocation shall be based on minimum
37 staffing and nonstaff costs the legislature deems necessary to
38 support instruction and operations in prototypical schools serving
39 high, middle, and elementary school students as provided in this
40 section. The use of prototypical schools for the distribution formula

1 does not constitute legislative intent that schools should be
2 operated or structured in a similar fashion as the prototypes.
3 Prototypical schools illustrate the level of resources needed to
4 operate a school of a particular size with particular types and grade
5 levels of students using commonly understood terms and inputs, such
6 as class size, hours of instruction, and various categories of school
7 staff. It is the intent that the funding allocations to school
8 districts be adjusted from the school prototypes based on the actual
9 number of annual average full-time equivalent students in each grade
10 level at each school in the district and not based on the grade-level
11 configuration of the school to the extent that data is available. The
12 allocations shall be further adjusted from the school prototypes with
13 minimum allocations for small schools and to reflect other factors
14 identified in the omnibus appropriations act.

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

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

20 (ii) A prototypical middle school has (~~four hundred thirty two~~)
21 432 average annual full-time equivalent students in grades seven and
22 eight; and

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

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

| | General education average class size |
|----|---|
| 33 | |
| 34 | |
| 35 | Grades K-3. 17.00 |
| 36 | Grade 4. 27.00 |
| 37 | Grades 5-6. 27.00 |
| 38 | Grades 7-8. 28.53 |
| 39 | Grades 9-12. 28.74 |

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

| | | | |
|----|----------------------|--------------------|-------|
| 10 | | Laboratory science | |
| 11 | | average class size | |
| 12 | Grades 9-12. | | 19.98 |

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

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

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

| | | | |
|----|---|----------------------|-------|
| 23 | | Career and technical | |
| 24 | | education average | |
| 25 | | class size | |
| 26 | Approved career and technical education offered at | | |
| 27 | the middle school and high school level. | | 23.00 |
| 28 | Skill center programs meeting the standards established | | |
| 29 | by the office of the superintendent of public | | |
| 30 | instruction. | | 19.00 |

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

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

35 (i) A high-poverty average class size in schools where more than
 36 (~~fifty~~) 50 percent of the students are eligible for free and
 37 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..... | 0.585 | 0.888 | 0.824 |
| Social workers..... | 0.311 | 0.088 | 0.127 |
| Psychologists..... | 0.104 | 0.024 | 0.049 |
| Counselors..... | 0.993 | 1.716 | 3.039 |
| Classified staff providing student and staff safety..... | 0.079 | 0.092 | 0.141 |
| Parent involvement coordinators..... | 0.0825 | 0.00 | 0.00 |

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

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

(iii) For the purposes of this subsection (5) (b), "physical, social, and emotional support staff" include nurses, social workers,

1 psychologists, counselors, classified staff providing student and
2 staff safety, parent involvement coordinators, and other school
3 district employees and contractors who provide physical, social, and
4 emotional support to students as defined by the superintendent.

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

| | Staff per 1,000 K-12 students |
|--|----------------------------------|
| 9 Technology. | 0.628 |
| 10 Facilities, maintenance, and grounds. | 1.813 |
| 11 Warehouse, laborers, and mechanics. | 0.332 |

12
13
14 (b) The minimum allocation of staff units for each school
15 district to support certificated and classified staffing of central
16 administration shall be 5.30 percent of the staff units generated
17 under subsections (4)(a) and (5) of this section and (a) of this
18 subsection.

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

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

| | Per annual average full-time equivalent student in grades K-12 |
|--|--|
| 29 Technology. | \$130.76 |
| 30 Utilities and insurance. | \$355.30 |
| 31 Curriculum and textbooks. | \$140.39 |
| 32 Other supplies | \$278.05 |
| 33 Library materials. | \$20.00 |
| 34 Instructional professional development for certificated and 35 classified staff. | \$21.71 |
| 36 Facilities maintenance. | \$176.01 |

1 Security and central office administration. \$121.94

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

| | Per annual average full-time equivalent student in grades 9-12 |
|--|--|
| 8 Technology. | \$36.35 |
| 9 Curriculum and textbooks. | \$39.02 |
| 10 Other supplies | \$77.28 |
| 11 Library materials. | \$5.56 |
| 12 Instructional professional development for certificated and 13 classified staff. | \$6.04 |

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

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

20 (b) Preparatory career and technical education courses for
21 students in grades nine through (~~twelve~~) 12 offered in a high
22 school; and

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

26 (10) In addition to the allocations otherwise provided under this
27 section, amounts shall be provided to support the following programs
28 and services:

29 (a)(i) To provide supplemental instruction and services for
30 students who are not meeting academic standards through the learning
31 assistance program under RCW 28A.165.005 through 28A.165.065,
32 allocations shall be based on the greater of either: The district
33 percentage of students in kindergarten through grade (~~twelve~~) 12
34 who were eligible for free or reduced-price meals for the school year
35 immediately preceding the district's participation, in whole or part,
36 in the United States department of agriculture's community
37
38
39

1 eligibility provision, or the district percentage of students in
2 grades K-12 who were eligible for free or reduced-price meals in the
3 prior school year. The minimum allocation for the program shall,
4 except as provided in (a)(iii) of this subsection, provide for each
5 level of prototypical school resources to provide, on a statewide
6 average, 2.3975 hours per week in extra instruction with a class size
7 of (~~fifteen~~) 15 learning assistance program students per teacher.

8 (ii) In addition to funding allocated under (a)(i) of this
9 subsection, to provide supplemental instruction and services for
10 students who are not meeting academic standards in qualifying
11 schools. A qualifying school, except as provided in (a)(iv) of this
12 subsection, means a school in which the three-year rolling average of
13 the prior year total annual average enrollment that qualifies for
14 free or reduced-price meals equals or exceeds (~~fifty~~) 50 percent or
15 more of its total annual average enrollment. A school continues to
16 meet the definition of a qualifying school if the school:
17 Participates in the United States department of agriculture's
18 community eligibility provision; and met the definition of a
19 qualifying school in the year immediately preceding their
20 participation. The minimum allocation for this additional high
21 poverty-based allocation must provide for each level of prototypical
22 school resources to provide, on a statewide average, 1.1 hours per
23 week in extra instruction with a class size of (~~fifteen~~) 15
24 learning assistance program students per teacher, under RCW
25 28A.165.055, school districts must distribute the high poverty-based
26 allocation to the schools that generated the funding allocation.

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

35 (iv) For the 2024-25 and 2025-26 school years, a school providing
36 meals at no charge to students under section 2 of this act that is
37 not participating in the department of agriculture's community
38 eligibility provision continues to meet the definition of a
39 qualifying school under (a)(ii) of this subsection if the school met

1 the definition during one year of the 2019-20 through 2022-23 school
2 years, or in the prior school year.

3 (b) (i) To provide supplemental instruction and services for
4 students whose primary language is other than English, allocations
5 shall be based on the head count number of students in each school
6 who are eligible for and enrolled in the transitional bilingual
7 instruction program under RCW 28A.180.010 through 28A.180.080. The
8 minimum allocation for each level of prototypical school shall
9 provide resources to provide, on a statewide average, 4.7780 hours
10 per week in extra instruction for students in grades kindergarten
11 through six and 6.7780 hours per week in extra instruction for
12 students in grades seven through ~~((twelve))~~ 12, with ~~((fifteen))~~ 15
13 transitional bilingual instruction program students per teacher.
14 Notwithstanding other provisions of this subsection (10), the actual
15 per-student allocation may be scaled to provide a larger allocation
16 for students needing more intensive intervention and a commensurate
17 reduced allocation for students needing less intensive intervention,
18 as detailed in the omnibus appropriations act.

19 (ii) To provide supplemental instruction and services for
20 students who have exited the transitional bilingual program,
21 allocations shall be based on the head count number of students in
22 each school who have exited the transitional bilingual program within
23 the previous two years based on their performance on the English
24 proficiency assessment and are eligible for and enrolled in the
25 transitional bilingual instruction program under RCW
26 28A.180.040(1)(g). The minimum allocation for each prototypical
27 school shall provide resources to provide, on a statewide average,
28 3.0 hours per week in extra instruction with ~~((fifteen))~~ 15 exited
29 students per teacher.

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

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

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

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

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

17 (b) In the event the legislature rejects the distribution formula
18 recommended by the governor, without adopting a new distribution
19 formula, the distribution formula for the previous school year shall
20 remain in effect.

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

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

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

38 (1) Certificated instructional staff who have attained
39 certification from the national board for professional teaching

1 standards shall receive a bonus each year in which they maintain the
2 certification. The bonus shall be calculated as follows: The annual
3 bonus shall be (~~five thousand dollars~~) \$5,000 in the 2007-08 school
4 year. Thereafter, the annual bonus shall increase by inflation,
5 except that the bonus shall not be increased during the 2013-14 and
6 2014-15 school years.

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

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

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

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

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

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

37 **Sec. 8.** RCW 28A.235.300 and 2022 c 7 s 1 are each amended to
38 read as follows:

1 (1) (a) Except as provided otherwise by this section, each public
2 school that has an identified student percentage of at least 40
3 percent (~~(, or an identified student percentage of less than 40~~
4 ~~percent if authorized by federal law,~~) as determined annually by
5 April 1st, must participate in the United States department of
6 agriculture's community eligibility provision in the subsequent
7 school year and throughout the duration of the community eligibility
8 provision's four-year cycle.

9 (b) School districts, to the extent practicable, shall group
10 public schools for purposes of maximizing the number of public
11 schools eligible to participate in the community eligibility
12 provision. Individual schools participating in a group may have less
13 than 40 percent identified students, provided the average identified
14 student percentage for the group is at least 40 percent.

15 (2) Public schools that, through an arrangement with a local
16 entity, provide meals to all students and at no costs to the students
17 are exempt from the requirements of this section.

18 (3) This section governs school operation and management under
19 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
20 established under chapter 28A.710 RCW and state-tribal education
21 compact schools established under chapter 28A.715 RCW to the same
22 extent as it applies to public schools and school districts.

23 (4) For the purposes of this section, "identified student" means
24 a student who is directly certified for free school meals based on
25 the student's participation in other means-tested assistance
26 programs, and students who are categorically eligible for free school
27 meals without an application and not subject to income verification.

28 NEW SECTION. **Sec. 9.** RCW 28A.235.140 (School breakfast
29 programs) and 1993 c 333 s 1 & 1989 c 239 s 2 are each repealed.

30 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
31 this act, referencing this act by bill or chapter number, is not
32 provided by June 30, 2023, in the omnibus appropriations act, this
33 act is null and void.

34 NEW SECTION. **Sec. 11.** Section 5 of this act expires September
35 1, 2024.

1 NEW SECTION. **Sec. 12.** Section 6 of this act takes effect
2 September 1, 2024.

--- END ---