
SUBSTITUTE SENATE BILL 5339

State of Washington

68th Legislature

2023 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Nobles, Hunt, Dhingra, Hasegawa, Keiser, Kuderer, Lias, Lovelett, Lovick, Muzzall, Nguyen, Pedersen, Randall, Shewmake, Stanford, Valdez, Warnick, and C. Wilson; by request of Superintendent of Public Instruction)

READ FIRST TIME 02/01/23.

1 AN ACT Relating to providing free school meals for all; amending
2 RCW 28A.150.200, 28A.235.250, 28A.235.270, 28A.235.285, 28A.600.290,
3 28A.150.260, 28A.150.260, and 28A.405.415; reenacting and amending
4 RCW 28A.235.160 and 28A.600.310; adding new sections to chapter
5 28A.235 RCW; creating a new section; repealing RCW 28A.235.140 and
6 28A.235.260; providing effective dates; and providing expiration
7 dates.

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

9 **Part 1**

10 **Providing All Public School Students With Access to Meals Served at**
11 **No Charge to the Students**

12 NEW SECTION. **Sec. 101.** (1) The legislature finds that providing
13 all public school students with access to meals served without charge
14 each school day will support academic success and promote student
15 well-being. The legislature, in support of students, families, and
16 productive learning environments, and in recognition of financial
17 challenges that can create barriers to academic achievement, declares
18 that no student should ever experience hunger or food insecurity
19 within a public school.

1 (2) The legislature, therefore, intends to make the provision of
2 breakfast and lunch to all requesting students and without charge to
3 those students, part of the state's statutory program of basic
4 education that is deemed by the legislature to implement Article IX,
5 section 1 of the state Constitution. The legislature further intends
6 for this policy to be implemented without adversely or otherwise
7 impacting programs that use free and reduced-price meal eligibility
8 information for determining program eligibility, the distribution of
9 financial resources, or both.

10 **Sec. 102.** RCW 28A.150.200 and 2021 c 164 s 2 are each amended to
11 read as follows:

12 (1) The program of basic education established under this chapter
13 is deemed by the legislature to comply with the requirements of
14 Article IX, section 1 of the state Constitution, which states that
15 "It is the paramount duty of the state to make ample provision for
16 the education of all children residing within its borders, without
17 distinction or preference on account of race, color, caste, or sex,"
18 and is adopted pursuant to Article IX, section 2 of the state
19 Constitution, which states that "The legislature shall provide for a
20 general and uniform system of public schools."

21 (2) The legislature defines the program of basic education under
22 this chapter as that which is necessary to provide the opportunity to
23 develop the knowledge and skills necessary to meet the state-
24 established high school graduation requirements that are intended to
25 allow students to have the opportunity to graduate with a meaningful
26 diploma that prepares them for postsecondary education, gainful
27 employment, and citizenship. Basic education by necessity is an
28 evolving program of instruction intended to reflect the changing
29 educational opportunities that are needed to equip students for their
30 role as productive citizens and includes the following:

31 (a) The instructional program of basic education the minimum
32 components of which are described in RCW 28A.150.220;

33 (b) The program of education provided by chapter 28A.190 RCW for
34 students in residential schools as defined by RCW 28A.190.005 and for
35 juveniles in detention facilities as identified by RCW 28A.190.010;

36 (c) The program of education provided by chapter 28A.193 RCW for
37 individuals under the age of eighteen who are incarcerated in adult
38 correctional facilities;

1 (d) Transportation and transportation services to and from school
2 for eligible students as provided under RCW 28A.160.150 through
3 28A.160.180; (~~and~~)

4 (e) Statewide salary allocations necessary to hire and retain
5 qualified staff for the state's statutory program of basic education;
6 and

7 (f) Meals provided at no charge to students under section 103 of
8 this act.

9 NEW SECTION. **Sec. 103.** A new section is added to chapter
10 28A.235 RCW to read as follows:

11 (1) Beginning with the 2023-24 school year, each school district
12 shall make available, at no cost, one breakfast and one lunch during
13 each school day to any student who requests a meal during the school
14 year without consideration of the student's eligibility for a
15 federally funded free or reduced-price meal. The meals provided under
16 this subsection shall be nutritiously adequate meals that qualify for
17 federal reimbursement under the United States department of
18 agriculture school breakfast program and school lunch program.

19 (2) The office of the superintendent of public instruction shall
20 reimburse school districts that participate in the school lunch
21 program and school breakfast program on a per-meal reimbursement
22 basis for meals that are not already reimbursed at the United States
23 department of agriculture's free rate. The additional state
24 reimbursement amount must be the difference between the United States
25 department of agriculture's free rate and the United States
26 department of agriculture's paid rate.

27 (3) Until the 2025-26 school year, the superintendent of public
28 instruction may exempt school districts from the requirements of this
29 section under RCW 28A.235.160.

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

38 (5) For the purposes of this section, the following definitions
39 apply:

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

3 (b) "School lunch program" has the same meaning as in RCW
4 28A.235.160.

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

10 (7) The superintendent of public instruction shall adopt and
11 periodically revise rules to implement this section.

12 **Sec. 104.** RCW 28A.235.160 and 2021 c 74 s 2 are each reenacted
13 and amended to read as follows:

14 (1) For the purposes of this section:

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

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

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

23 (~~(d)~~) (c) "School lunch program" means a meal program meeting
24 the requirements defined (~~by the superintendent of public~~
25 ~~instruction under subsection (2)(b) of this section)~~) in 42 U.S.C.
26 Sec. 1751.

27 (~~(e)~~) (d) "Severe-need school" means a school that qualifies
28 for a severe-need school reimbursement rate from federal funds for
29 school breakfasts served to children from low-income families.

30 (~~(f)~~) (e) "Summer food service program" means a meal or snack
31 program meeting the requirements defined by the superintendent of
32 public instruction under subsection (~~(4)~~) (3) of this section.

33 (2) School districts shall implement a school lunch program and
34 school breakfast program in each public school in the district (~~in~~
35 ~~which educational services are provided to children in any of the~~
36 ~~grades kindergarten through four and in which twenty-five percent or~~
37 ~~more of the enrolled students qualify for a free or reduced-price~~
38 ~~lunch)). In accordance with section 103 of this act, beginning in the
39 2023-24 school year, school districts shall provide meals to all~~

1 requesting students at no charge to the students during the school
2 year unless exempted by the superintendent of public instruction in
3 accordance with section 103(3) of this act. In developing and
4 implementing its school lunch program and school breakfast program,
5 each school district may consult with an advisory committee including
6 school staff, community members, and others appointed by the board of
7 directors of the district.

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

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

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

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

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

34 ~~(3) To the extent funds are appropriated for this purpose, each~~
35 ~~school district shall implement a school breakfast program in each~~
36 ~~school where more than forty percent of students eligible to~~
37 ~~participate in the school lunch program qualify for free or reduced-~~
38 ~~price meal reimbursement by the school year 2005-06. For the second~~
39 ~~year before the implementation of the district's school breakfast~~
40 ~~program, and for each subsequent school year, each school district~~

1 shall submit data enabling the superintendent of public instruction
2 to determine which schools within the district will qualify for this
3 requirement. Schools where lunch programs start after the 2003-04
4 school year, where forty percent of students qualify for free or
5 reduced-price meals, must begin school breakfast programs the second
6 year following the start of a lunch program.

7 ~~(4))~~ (3)(a) Each school district shall implement a summer food
8 service program in each public school in the district in which a
9 summer program of academic, enrichment, or remedial services is
10 provided and in which 50 percent or more of the children enrolled in
11 the school ~~((qualify))~~ meet federal eligibility requirements for free
12 or reduced-price lunch. However, the superintendent of public
13 instruction shall develop rules establishing criteria to permit an
14 exemption for a school that can demonstrate availability of an
15 adequate alternative summer feeding program. Sites providing meals
16 should be open to all children in the area, unless a compelling case
17 can be made to limit access to the program. The superintendent of
18 public instruction shall adopt a definition of compelling case ~~((and~~
19 ~~a schedule for implementation as follows:~~

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

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

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

28 ~~(a) Preparing the meals on-site;~~

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

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

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

39 ~~(7) Beginning in the 2021-22 school year, school districts with~~
40 ~~school lunch programs must eliminate lunch copays for students in~~

1 ~~prekindergarten through 12th grade who qualify for reduced-price~~
2 ~~lunches, and the superintendent of public instruction must allocate~~
3 ~~funding for this purpose).~~

4 ~~((+8))~~ (b) The legislature does not intend to include summer
5 food service programs within the definition or funding of the program
6 of basic education under Article IX of the state Constitution.

7 (4) The requirements in subsection (3) of this section shall
8 lapse if the federal reimbursement for ~~((any school breakfasts,~~
9 ~~lunches, or))~~ the summer food service program((s)) is eliminated.

10 ~~((+9))~~ (5) School districts may be exempted from the
11 requirements of subsection (2) of this section until school year
12 2025-26, as allowed in section 103 of this act, by showing good cause
13 why they cannot comply with the office of the superintendent of
14 public instruction to the extent that such exemption is not in
15 conflict with federal or state law. The process and criteria by which
16 school districts ((are)) may be exempted shall be developed by rule,
17 and revised if necessary, by the office of the superintendent of
18 public instruction in consultation with representatives of school
19 directors, school food service, community-based organizations, and
20 ~~((the Washington state PTA))~~ a state organization of parents and
21 teachers.

22 **Part 2**

23 **Related Provisions and Amendments**

24 **Sec. 201.** RCW 28A.235.250 and 2018 c 271 s 1 are each amended to
25 read as follows:

26 (1)(a) Except as provided otherwise in subsection (2) of this
27 section, each school that participates in the ~~((national))~~ school
28 lunch program, the school breakfast program, or both, shall annually
29 distribute and collect an application for all households of children
30 in kindergarten through grade ~~((twelve))~~ 12 to determine whether a
31 student meets federal eligibility requirements for free or reduced-
32 price meals. If a parent or guardian of a student needs assistance
33 with application materials in a language other than English, the
34 school shall offer appropriate assistance to the parent or guardian.

35 (b) If a student who, based on information available to the
36 school, is likely eligible for free or reduced-price meals but has
37 not submitted an application to determine eligibility, the school

1 shall, in accordance with the authority granted under 7 C.F.R. Sec.
2 245.6(d), complete and submit the application for the student.

3 (2) Subsection (1) of this section does not apply to a school
4 that provides free meals to all students in a year in which the
5 school does not collect applications to determine student eligibility
6 for free or reduced-price meals if the school participates in the
7 United States department of agriculture's community eligibility
8 provision.

9 (3) For the purposes of this section, "school breakfast program"
10 and "school lunch program" have the same meanings as in RCW
11 28A.235.160.

12 **Sec. 202.** RCW 28A.235.270 and 2018 c 271 s 4 are each amended to
13 read as follows:

14 ~~((1))~~ No school or school district personnel or school
15 volunteer may:

16 ~~((a) Take any action that would publicly identify a student who~~
17 ~~cannot pay for a school meal or for meals previously served to the~~
18 ~~student, including but not limited to requiring the student to wear a~~
19 ~~wristband, hand stamp, or other identifying marker, or by serving the~~
20 ~~student an alternative meal;~~

21 ~~(b)) (1) Require a student who cannot pay for ((a school meal or~~
22 ~~for)) meals previously served to the student to perform chores or~~
23 ~~other actions in exchange for a meal or for the reduction or~~
24 ~~elimination of a school meal debt(, unless all students perform~~
25 ~~similar chores or work;~~

26 ~~(c))~~;

27 (2) Require a student to dispose of an already served meal
28 because of ((the student's inability to pay for the meal or because
29 of)) money owed for meals previously served to the student; or

30 ~~((d)) (3) Allow any disciplinary action that is taken against a~~
31 ~~student to result in the denial or delay of a nutritionally adequate~~
32 ~~meal to the student(, or~~

33 ~~(e) Require a parent or guardian to pay fees or costs in excess~~
34 ~~of the actual amounts owed for meals previously served to the~~
35 ~~student.~~

36 ~~(2) Communications from a school or school district about amounts~~
37 ~~owed for meals previously served to a student under the age of~~
38 ~~fifteen may only be directed to the student's parent or guardian.~~
39 ~~Nothing in this subsection prohibits a school or school district from~~

1 ~~sending a student home with a notification that is addressed to the~~
2 ~~student's parent or guardian.~~

3 ~~(3) (a) A school district shall notify a parent or guardian of the~~
4 ~~negative balance of a student's school meal account no later than ten~~
5 ~~days after the student's school meal account has reached a negative~~
6 ~~balance. Within thirty days of sending this notification, the school~~
7 ~~district shall exhaust all options to directly certify the student~~
8 ~~for free or reduced-price meals. Within these thirty days, while the~~
9 ~~school district is attempting to certify the student for free or~~
10 ~~reduced-price meals, the student may not be denied access to a school~~
11 ~~meal unless the school district determines that the student is~~
12 ~~ineligible for free or reduced-price meals.~~

13 ~~(b) If the school district is unable to directly certify the~~
14 ~~student for free or reduced-price meals, the school district shall~~
15 ~~provide the parent or guardian with a paper copy of or an electronic~~
16 ~~link to an application for free or reduced-price meals with the~~
17 ~~notification required by (a) of this subsection and encourage the~~
18 ~~parent or guardian to submit the application).~~

19 **Sec. 203.** RCW 28A.235.285 and 2022 c 111 s 1 are each amended to
20 read as follows:

21 (1) The office of the superintendent of public instruction shall
22 initiate and oversee the development and implementation of a
23 statewide electronic repository of household income information that
24 is required for a student's enrollment in, or eligibility for, the
25 ~~((national))~~ school lunch program, the school breakfast program, or
26 both programs for the purpose of:

27 ~~(a) ((Removing barriers that diminish access to free and reduced-~~
28 ~~price meals by students enrolled in eligible schools;~~

29 ~~(b))~~ Providing parents and legal guardians ~~((of—students~~
30 ~~enrolled in eligible schools))~~ with a voluntary, secure, and
31 convenient online portal for providing household information that is
32 required for participation in the ~~((national))~~ school lunch program,
33 the school breakfast program, or both programs;

34 ~~((e))~~ (b) Providing student household income information to
35 schools and school districts ~~((that provide meals at no charge to~~
36 ~~students))~~ without using school meal applications to determine
37 eligibility for low-income programs for students and schools; and

1 (~~(d)~~) (c) Ensuring an accessible, simplified process for
2 enrolling students in, and administering, related nutrition programs,
3 including the summer P-EBT program.

4 (2) In addition to the requirements of this section and other
5 requirements deemed necessary by the superintendent of public
6 instruction, the superintendent of public instruction shall ensure
7 the electronic repository:

8 (a) Complies with any applicable federal requirements for
9 participation in the (~~(national)~~) school lunch program, the school
10 breakfast program, or both programs;

11 (b) Complies with any applicable requirements necessary for
12 schools and school districts to access repository data;

13 (c) Complies with any applicable standards and requirements
14 necessary to ensure that the repository data connects to the direct
15 certification system and streamlines the process in a manner that
16 maximizes the number of eligible students directly certified for free
17 school meals each month;

18 (d) Includes robust safeguards, both technically and
19 procedurally, to ensure that the income information provided by
20 parents and legal guardians is secure and accessed only by
21 individuals with express authorization to do so; and

22 (e) Is accessible online and easily navigable by parents and
23 legal guardians, and in multiple languages, for the purpose of
24 voluntarily providing the pertinent household income data.

25 (3) Household income information received by the office of the
26 superintendent of public instruction, school employees, school
27 district employees, or their designees in accordance with this
28 section is exempt from disclosure under chapter 42.56 RCW and may not
29 be disseminated except as provided by law.

30 (4)(a) Beginning in 2022, the office of the superintendent of
31 public instruction shall report annually to the legislature by
32 December 1st on the electronic repository, including: (i) The number
33 of schools and school districts accessing the data of the electronic
34 repository for providing household information that is required for a
35 school's participation in the (~~(national)~~) school lunch program, the
36 school breakfast program, or both programs; and (ii) recommendations
37 for increasing the number of repository users and improving the
38 technical functionality of the repository.

39 (b) In lieu of the report contents required in (a) of this
40 subsection, the report required by December 1, 2022, shall include a

1 plan, timeline, and cost estimate for: (i) Implementing the
2 development of the repository; (ii) securing any needed vendors for
3 its development and, if necessary, operation; and (iii) making the
4 repository accessible to schools, school districts, and the public
5 through appropriate electronic interfaces.

6 (5) For the purposes of this section, "school breakfast program"
7 and "school lunch program" have the same meaning as in RCW
8 28A.235.160.

9 **Sec. 204.** RCW 28A.600.290 and 2021 c 71 s 2 are each amended to
10 read as follows:

11 (1)(a) Subject to the availability of amounts appropriated for
12 this specific purpose and commencing with the 2015-16 school year,
13 funding may be allocated at an amount per college credit for
14 (~~(eleventh)~~) 11th and (~~(twelfth)~~) 12th grade students, and students
15 who have not yet received a high school diploma or its equivalent and
16 are eligible to be in the (~~(eleventh)~~) 11th or (~~(twelfth)~~) 12th
17 grade, who are enrolled in college in the high school courses under
18 RCW 28A.600.287 as specified in the omnibus appropriations act and
19 adjusted for inflation from the 2015-16 school year. The maximum
20 annual number of allocated credits per participating student shall be
21 specified in the omnibus appropriations act, which must not exceed
22 (~~(ten)~~) 10 credits. Funding shall be prioritized in the following
23 order:

24 (i) High schools offering a running start in the high school
25 program in school year 2014-15. These schools shall only receive
26 prioritized funding in school year 2015-16;

27 (ii) Students whose residence or the high school in which they
28 are enrolled is located (~~(twenty)~~) 20 driving miles or more as
29 measured by the most direct route from the nearest eligible
30 institution of higher education offering a running start program,
31 whichever is greater; and

32 (iii) High schools eligible for the small school funding
33 enhancement in the omnibus appropriations act.

34 (b)(i) Subject to the availability of amounts appropriated for
35 this specific purpose and commencing with the 2015-16 school year,
36 and only after the programs in (a) of this subsection are funded, a
37 subsidy may be provided per college credit for (~~(eleventh)~~) 11th and
38 (~~(twelfth)~~) 12th grade students and students who have not yet
39 received a high school diploma or its equivalent and are eligible to

1 be in the (~~eleventh~~) 11th or (~~twelfth~~) 12th grade, who have
2 (~~been deemed eligible~~) met federal eligibility requirements for
3 free or reduced-price lunch and are enrolled in college in the high
4 school courses under RCW 28A.600.287 as specified in the omnibus
5 appropriations act and adjusted for inflation from the 2015-16 school
6 year. The maximum annual number of subsidized credits per
7 participating student shall be specified in the omnibus
8 appropriations act, which must not exceed five credits.

9 (ii) Districts wishing to participate in the subsidy program must
10 apply to the office of the superintendent of public instruction by
11 July 1st of each year and report the preliminary estimate of eligible
12 students to receive the subsidy and the total number of projected
13 credit hours.

14 (iii) The office of the superintendent of public instruction
15 shall notify districts by September 1st of each school year if the
16 district's students will receive the subsidy. If more districts apply
17 than funding is available, the office of the superintendent of public
18 instruction shall prioritize the district applications. The
19 superintendent shall develop factors to determine priority including,
20 but not limited to, the number of dual credit opportunities available
21 for low-income students in the districts.

22 (c) Districts shall remit any allocations or subsidies on behalf
23 of participating students under (a) and (b) of this subsection to the
24 participating institution of higher education and those students
25 shall not be required to pay for the credits.

26 (2) The definitions in this subsection apply throughout this
27 section.

28 (a) "Institution of higher education" has the definition in RCW
29 28B.10.016, and also includes a public tribal college located in
30 Washington and accredited by the northwest commission on colleges and
31 universities or another accrediting association recognized by the
32 United States department of education.

33 (b) "Program course" means a college course offered in a high
34 school under the college in the high school program.

35 **Sec. 205.** RCW 28A.600.310 and 2019 c 252 s 115 and 2019 c 176 s
36 2 are each reenacted and amended to read as follows:

37 (1)(a) Eleventh and (~~twelfth~~) 12th grade students or students
38 who have not yet received the credits required for the award of a
39 high school diploma and are eligible to be in the (~~eleventh~~) 11th

1 or (~~twelfth~~) 12th grades may apply to a participating institution
2 of higher education to enroll in courses or programs offered by the
3 institution of higher education.

4 (b) The course sections and programs offered as running start
5 courses must also be open for registration to matriculated students
6 at the participating institution of higher education and may not be a
7 course consisting solely of high school students offered at a high
8 school campus.

9 (c) A student receiving home-based instruction enrolling in a
10 public high school for the sole purpose of participating in courses
11 or programs offered by institutions of higher education shall not be
12 counted by the school district in any required state or federal
13 accountability reporting if the student's parents or guardians filed
14 a declaration of intent to provide home-based instruction and the
15 student received home-based instruction during the school year before
16 the school year in which the student intends to participate in
17 courses or programs offered by the institution of higher education.
18 Students receiving home-based instruction under chapter 28A.200 RCW
19 and students attending private schools approved under chapter 28A.195
20 RCW shall not be required to meet the student learning goals or to
21 learn the state learning standards. However, students are eligible to
22 enroll in courses or programs in participating universities only if
23 the board of directors of the student's school district has decided
24 to participate in the program. Participating institutions of higher
25 education, in consultation with school districts, may establish
26 admission standards for these students. If the institution of higher
27 education accepts a secondary school pupil for enrollment under this
28 section, the institution of higher education shall send written
29 notice to the pupil and the pupil's school district within (~~ten~~) 10
30 days of acceptance. The notice shall indicate the course and hours of
31 enrollment for that pupil.

32 (2)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020
33 and 28B.15.041:

34 (i) Running start students shall pay to the community or
35 technical college all other mandatory fees as established by each
36 community or technical college and, in addition, the state board for
37 community and technical colleges may authorize a fee of up to (~~ten~~)
38 10 percent of tuition and fees as defined in RCW 28B.15.020 and
39 28B.15.041; and

1 (ii) All other institutions of higher education operating a
2 running start program may charge running start students a fee of up
3 to ~~((ten))~~ 10 percent of tuition and fees as defined in RCW
4 28B.15.020 and 28B.15.041 in addition to technology fees.

5 (b) The fees charged under this subsection (2) shall be prorated
6 based on credit load.

7 (c) Students may pay fees under this subsection with advanced
8 college tuition payment program tuition units at a rate set by the
9 advanced college tuition payment program governing body under chapter
10 28B.95 RCW.

11 (3)(a) The institutions of higher education must make available
12 fee waivers for low-income running start students. A student shall be
13 considered low income and eligible for a fee waiver upon proof that
14 the student ~~((is currently qualified to receive))~~ meets federal
15 eligibility requirements for free or reduced-price lunch. Acceptable
16 documentation of low-income status may also include, but is not
17 limited to, documentation that a student has been deemed eligible for
18 free or reduced-price lunches in the last five years, or other
19 criteria established in the institution's policy.

20 (b)(i) By the beginning of the 2020-21 school year, school
21 districts, upon knowledge of a low-income student's enrollment in
22 running start, must provide documentation of the student's low-income
23 status, under (a) of this subsection, directly to institutions of
24 higher education.

25 (ii) Subject to the availability of amounts appropriated for this
26 specific purpose, the office of the superintendent of public
27 instruction, in consultation with the Washington student achievement
28 council, shall develop a centralized process for school districts to
29 provide students' low-income status to institutions of higher
30 education to meet the requirements of (b)(i) of this subsection.

31 (c) Institutions of higher education, in collaboration with
32 relevant student associations, shall aim to have students who can
33 benefit from fee waivers take advantage of these waivers.
34 Institutions shall make every effort to communicate to students and
35 their families the benefits of the waivers and provide assistance to
36 students and their families on how to apply. Information about
37 waivers shall, to the greatest extent possible, be incorporated into
38 financial aid counseling, admission information, and individual
39 billing statements. Institutions also shall, to the greatest extent
40 possible, use all means of communication, including but not limited

1 to websites, online catalogues, admission and registration forms,
2 mass email messaging, social media, and outside marketing to ensure
3 that information about waivers is visible, compelling, and reaches
4 the maximum number of students and families that can benefit.

5 (4) The pupil's school district shall transmit to the institution
6 of higher education an amount per each full-time equivalent college
7 student at statewide uniform rates for vocational and nonvocational
8 students. The superintendent of public instruction shall separately
9 calculate and allocate moneys appropriated for basic education under
10 RCW 28A.150.260 to school districts for purposes of making such
11 payments and for granting school districts seven percent thereof to
12 offset program related costs. The calculations and allocations shall
13 be based upon the estimated statewide annual average per full-time
14 equivalent high school student allocations under RCW 28A.150.260,
15 excluding small high school enhancements, and applicable rules
16 adopted under chapter 34.05 RCW. The superintendent of public
17 instruction, participating institutions of higher education, and the
18 state board for community and technical colleges shall consult on the
19 calculation and distribution of the funds. The funds received by the
20 institution of higher education from the school district shall not be
21 deemed tuition or operating fees and may be retained by the
22 institution of higher education. A student enrolled under this
23 subsection shall be counted for the purpose of meeting enrollment
24 targets in accordance with terms and conditions specified in the
25 omnibus appropriations act.

26 Part 3

27 Funding Stability Provisions

28 **Sec. 301.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to
29 read as follows:

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

35 (1) The governor shall and the superintendent of public
36 instruction may recommend to the legislature a formula for the
37 distribution of a basic education instructional allocation for each
38 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.	0.246	0.336	0.339
10	Social workers.	0.132	0.033	0.052
11	Psychologists.	0.046	0.009	0.021
12	Counselors.	0.660	1.383	2.706
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) and (c)
19 of this subsection to the extent of and proportionate to a school
20 district's demonstrated actual ratios of: Full-time equivalent
21 physical, social, and emotional support staff to full-time equivalent
22 students.

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

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

35 (c) For the 2023-24 school year, in addition to the minimum
36 allocation under (a) of this subsection, the following additional

1 staffing units for each level of prototypical school will be
2 provided:

	Elementary	Middle	High
	School	School	School
3 Nurses.....	0.170	0.276	0.243
4 Social workers.....	0.090	0.027	0.037
5 Psychologists.....	0.029	0.007	0.014
6 Counselors.....	0.167	0.167	0.176

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

	Staff per 1,000 K-12 students
13 Technology.	0.628
14 Facilities, maintenance, and grounds.	1.813
15 Warehouse, laborers, and mechanics.	0.332

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

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

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

	Per annual average full-time equivalent student in grades K-12
33 Technology.	\$130.76
34 Utilities and insurance.	\$355.30

1	Curriculum and textbooks.	\$140.39
2	Other supplies	\$278.05
3	Library materials.	\$20.00
4	Instructional professional development for certificated and	
5	classified staff.	\$21.71
6	Facilities maintenance.	\$176.01
7	Security and central office administration.	\$121.94

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

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

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

- 27 (a) Exploratory career and technical education courses for
- 28 students in grades seven through (~~twelve~~) 12;
- 29 (b) Preparatory career and technical education courses for
- 30 students in grades nine through (~~twelve~~) 12 offered in a high
- 31 school; and
- 32 (c) Preparatory career and technical education courses for
- 33 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
- 34 skill center.

35 (10) In addition to the allocations otherwise provided under this
36 section, amounts shall be provided to support the following programs
37 and services:

- 38 (a) (i) To provide supplemental instruction and services for
- 39 students who are not meeting academic standards through the learning

1 assistance program under RCW 28A.165.005 through 28A.165.065,
2 allocations shall be based on the greater of either: The district
3 percentage of students in kindergarten through grade (~~twelve~~) 12
4 who were eligible for free or reduced-price meals for the school year
5 immediately preceding the district's participation, in whole or part,
6 in the United States department of agriculture's community
7 eligibility provision, or the district percentage of students in
8 grades K-12 who were eligible for free or reduced-price meals in the
9 prior school year. The minimum allocation for the program shall,
10 except as provided in (a)(iii) of this subsection, provide for each
11 level of prototypical school resources to provide, on a statewide
12 average, 2.3975 hours per week in extra instruction with a class size
13 of (~~fifteen~~) 15 learning assistance program students per teacher.

14 (ii) In addition to funding allocated under (a)(i) of this
15 subsection, to provide supplemental instruction and services for
16 students who are not meeting academic standards in qualifying
17 schools. A qualifying school, except as provided in (a)(iv) of this
18 subsection, means a school in which the three-year rolling average of
19 the prior year total annual average enrollment that qualifies for
20 free or reduced-price meals equals or exceeds (~~fifty~~) 50 percent or
21 more of its total annual average enrollment. A school continues to
22 meet the definition of a qualifying school if the school:
23 Participates in the United States department of agriculture's
24 community eligibility provision; and met the definition of a
25 qualifying school in the year immediately preceding their
26 participation. The minimum allocation for this additional high
27 poverty-based allocation must provide for each level of prototypical
28 school resources to provide, on a statewide average, 1.1 hours per
29 week in extra instruction with a class size of (~~fifteen~~) 15
30 learning assistance program students per teacher, under RCW
31 28A.165.055, school districts must distribute the high poverty-based
32 allocation to the schools that generated the funding allocation.

33 (iii) For the 2024-25 and 2025-26 school years, allocations under
34 (a)(i) of this subsection for school districts not participating, in
35 whole or in part, in the United States department of agriculture's
36 community eligibility provision shall be based on the school district
37 percentage of students in grades K-12 who were eligible for free or
38 reduced-price meals in school years 2019-20 through 2022-23 or the
39 prior school year, whichever is greatest.

1 (iv) For the 2024-25 and 2025-26 school years, a school not
2 participating in the department of agriculture's community
3 eligibility provision continues to meet the definition of a
4 qualifying school under (a)(ii) of this subsection if the school met
5 the definition during one year of the 2019-20 through 2022-23 school
6 years, or in the prior school year.

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

23 (ii) To provide supplemental instruction and services for
24 students who have exited the transitional bilingual program,
25 allocations shall be based on the head count number of students in
26 each school who have exited the transitional bilingual program within
27 the previous two years based on their performance on the English
28 proficiency assessment and are eligible for and enrolled in the
29 transitional bilingual instruction program under RCW
30 28A.180.040(1)(g). The minimum allocation for each prototypical
31 school shall provide resources to provide, on a statewide average,
32 3.0 hours per week in extra instruction with ~~((fifteen))~~ 15 exited
33 students per teacher.

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

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

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

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

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

21 (b) In the event the legislature rejects the distribution formula
22 recommended by the governor, without adopting a new distribution
23 formula, the distribution formula for the previous school year shall
24 remain in effect.

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

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

1 **Sec. 302.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to
2 read as follows:

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

8 (1) The governor shall and the superintendent of public
9 instruction may recommend to the legislature a formula for the
10 distribution of a basic education instructional allocation for each
11 common school district.

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

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

37 (3)(a) To the extent the technical details of the formula have
38 been adopted by the legislature and except when specifically provided
39 as a school district allocation, the distribution formula for the
40 basic education instructional allocation shall be based on minimum

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

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

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

24 (ii) A prototypical middle school has (~~four hundred thirty two~~)
25 432 average annual full-time equivalent students in grades seven and
26 eight; and

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

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

	General education average class size
37	
38	
39	
Grades K-3.	17.00

1	Grade 4.	27.00
2	Grades 5-6.	27.00
3	Grades 7-8.	28.53
4	Grades 9-12.	28.74

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

14		Laboratory science
15		average class size
16	Grades 9-12.	19.98

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

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

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

27		Career and technical
28		education average
29		class size
30	Approved career and technical education offered at	
31	the middle school and high school level.	23.00
32	Skill center programs meeting the standards established	
33	by the office of the superintendent of public	
34	instruction.	19.00

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

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

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

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

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

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

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

32 (ii) The superintendent must adopt rules to implement this
 33 subsection (5) (b) and the rules must require school districts to
 34 prioritize funding allocated as required by (b) (i) of this subsection
 35 for physical, social, and emotional support staff who hold a valid

1 educational staff associate certificate appropriate for the staff's
2 role.

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

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

	Staff per 1,000 K-12 students
13 Technology.	0.628
14 Facilities, maintenance, and grounds.	1.813
15 Warehouse, laborers, and mechanics.	0.332

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

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

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

	Per annual average full-time equivalent student in grades K-12
33 Technology.	\$130.76
34 Utilities and insurance.	\$355.30
35 Curriculum and textbooks.	\$140.39
36 Other supplies	\$278.05

1	Library materials.	\$20.00
2	Instructional professional development for certificated and	
3	classified staff.	\$21.71
4	Facilities maintenance.	\$176.01
5	Security and central office administration.	\$121.94

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

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

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

- 25 (a) Exploratory career and technical education courses for
- 26 students in grades seven through (~~twelve~~) 12;
- 27 (b) Preparatory career and technical education courses for
- 28 students in grades nine through (~~twelve~~) 12 offered in a high
- 29 school; and
- 30 (c) Preparatory career and technical education courses for
- 31 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a
- 32 skill center.

33 (10) In addition to the allocations otherwise provided under this
34 section, amounts shall be provided to support the following programs
35 and services:

- 36 (a)(i) To provide supplemental instruction and services for
- 37 students who are not meeting academic standards through the learning
- 38 assistance program under RCW 28A.165.005 through 28A.165.065,
- 39 allocations shall be based on the greater of either: The district

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

12 (ii) In addition to funding allocated under (a)(i) of this
13 subsection, to provide supplemental instruction and services for
14 students who are not meeting academic standards in qualifying
15 schools. A qualifying school, except as provided in (a)(iv) of this
16 subsection, means a school in which the three-year rolling average of
17 the prior year total annual average enrollment that qualifies for
18 free or reduced-price meals equals or exceeds (~~fifty~~) 50 percent or
19 more of its total annual average enrollment. A school continues to
20 meet the definition of a qualifying school if the school:
21 Participates in the United States department of agriculture's
22 community eligibility provision; and met the definition of a
23 qualifying school in the year immediately preceding their
24 participation. The minimum allocation for this additional high
25 poverty-based allocation must provide for each level of prototypical
26 school resources to provide, on a statewide average, 1.1 hours per
27 week in extra instruction with a class size of (~~fifteen~~) 15
28 learning assistance program students per teacher, under RCW
29 28A.165.055, school districts must distribute the high poverty-based
30 allocation to the schools that generated the funding allocation.

31 (iii) For the 2024-25 and 2025-26 school years, allocations under
32 (a)(i) of this subsection for school districts not participating, in
33 whole or in part, in the United States department of agriculture's
34 community eligibility provision shall be based on the school district
35 percentage of students in grades K-12 who were eligible for free or
36 reduced-price meals in school years 2019-20 through 2022-23 or the
37 prior school year, whichever is greatest.

38 (iv) For the 2024-25 and 2025-26 school years, a school not
39 participating in the department of agriculture's community
40 eligibility provision continues to meet the definition of a

1 qualifying school under (a)(ii) of this subsection if the school met
2 the definition during one year of the 2019-20 through 2022-23 school
3 years, or in the prior school year.

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

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

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

38 (11) The allocations under subsections (4)(a), (5), (6), and (8)
39 of this section shall be enhanced as provided under RCW 28A.150.390

1 on an excess cost basis to provide supplemental instructional
2 resources for students with disabilities.

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

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

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

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

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

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

38 **Sec. 303.** RCW 28A.405.415 and 2020 c 288 s 5 are each amended to
39 read as follows:

1 (1) Certificated instructional staff who have attained
2 certification from the national board for professional teaching
3 standards shall receive a bonus each year in which they maintain the
4 certification. The bonus shall be calculated as follows: The annual
5 bonus shall be (~~five thousand dollars~~) \$5,000 in the 2007-08 school
6 year. Thereafter, the annual bonus shall increase by inflation,
7 except that the bonus shall not be increased during the 2013-14 and
8 2014-15 school years.

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

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

23 (c) For the 2024-25 and 2025-26 school years, individuals are
24 eligible for bonuses under this subsection if they are in an
25 instructional assignment in a school that met the definition of high
26 poverty school as defined in rule by the office of the superintendent
27 of public instruction during the 2022-23 school year.

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

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

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

38 NEW SECTION. Sec. 304. A new section is added to chapter
39 28A.235 RCW to read as follows:

1 (1) By September 1, 2023, the superintendent of public
2 instruction shall convene a work group to:

3 (a) Identify and examine actual and potential impacts to
4 education programs funded by the state, including the learning
5 assistance program under chapter 28A.165 RCW, resulting from
6 providing meals to all requesting students as required by section 103
7 of this act; and

8 (b) Recommend actions for avoiding or mitigating impacts
9 identified under (a) of this subsection (1).

10 (2) The work group, at a minimum, must include representatives of
11 school districts and persons with relevant expertise in state-funded
12 education programs.

13 (3) Staff support for the work group must be provided by the
14 office of the superintendent of public instruction.

15 (4) The work group shall meet at least monthly and, in accordance
16 with RCW 43.01.036, provide a report of findings and recommendations
17 to the education and fiscal committees of the house of
18 representatives and the senate by June 30, 2024.

19 (5) This section expires August 31, 2024.

20 Part 4

21 Repealed Provisions

22 NEW SECTION. **Sec. 401.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 28A.235.140 (School breakfast programs) and 1993 c 333 s
25 1 & 1989 c 239 s 2; and

26 (2) RCW 28A.235.260 (Free or reduced-price meals—Student
27 assistance) and 2018 c 271 s 3.

28 NEW SECTION. **Sec. 402.** Section 102 of this act takes effect
29 July 1, 2025.

30 NEW SECTION. **Sec. 403.** Section 301 of this act expires
31 September 1, 2024.

32 NEW SECTION. **Sec. 404.** Section 302 of this act takes effect
33 September 1, 2024.

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