
SUBSTITUTE SENATE BILL 5797

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Education (originally sponsored by Senators McAuliffe, Eide, B. Sheldon, Fairley, Kohl-Welles, Shin, Gardner, Fraser, Snyder, Prentice, Patterson, Goings, Bauer, Winsley, Thibaudeau, Rasmussen and Spanel)

Read first time 02/26/99.

1 AN ACT Relating to improving class size; amending RCW 28A.150.260
2 and 28A.150.260; creating a new section; providing an effective date;
3 and providing a contingent effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that improving the
6 student to certificated instructional staff ratio will give school
7 districts additional, stable resources to support student learning by
8 providing the flexibility to lower class size and to provide students
9 with the individual attention they need to learn to the best of their
10 abilities and to reach the new and higher learning standards or to
11 provide additional staff to support student learning in other ways.
12 The legislature further finds that providing for additional staff will
13 give school districts the opportunity to provide a safer and more
14 disciplined learning environment. The legislature further intends to
15 provide stability and improve planning for school districts by placing
16 improvements to the allocation formula for kindergarten through third
17 grade into statute. Further, the legislature intends to improve the
18 allocation formula based upon the number of students in grades four and
19 five and place those improvements into statute. By increasing basic

1 education funding the legislature is increasing the resources available
2 to local school districts while providing school districts with the
3 flexibility to best use those resources to hire certificated staff to
4 improve learning in the elementary grades.

5 **Sec. 2.** RCW 28A.150.260 and 1997 c 13 s 1 are each amended to read
6 as follows:

7 The basic education allocation for each annual average full-time
8 equivalent student shall be determined in accordance with the following
9 procedures:

10 (1) The governor shall and the superintendent of public instruction
11 may recommend to the legislature a formula based on a ratio of students
12 to staff for the distribution of a basic education allocation for each
13 annual average full-time equivalent student enrolled in a common
14 school. The distribution formula shall have the primary objective of
15 equalizing educational opportunities and shall provide appropriate
16 recognition of the following costs among the various districts within
17 the state:

18 (a) Certificated instructional staff and their related costs;

19 (b) Certificated administrative staff and their related costs;

20 (c) Classified staff and their related costs;

21 (d) Nonsalary costs;

22 (e) Extraordinary costs of remote and necessary schools and small
23 high schools, including costs of additional certificated and classified
24 staff; and

25 (f) The attendance of students pursuant to RCW 28A.335.160 and
26 28A.225.250 who do not reside within the servicing school district.

27 (2)(a) This formula for distribution of basic education funds shall
28 be reviewed biennially by the superintendent and governor. The
29 recommended formula shall be subject to approval, amendment or
30 rejection by the legislature. The formula shall be for allocation
31 purposes only. While the legislature intends that the allocations for
32 additional instructional staff be used to increase the ratio of such
33 staff to students, nothing in this section shall require districts to
34 reduce the number of administrative staff below existing levels.

35 (b) The formula adopted by the legislature shall reflect the
36 following ratios at a minimum:

37 (i) Forty-nine certificated instructional staff to one thousand
38 annual average full-time equivalent students enrolled in grades

1 kindergarten through three plus an additional five and three-tenths
2 certificated instructional staff units for grades kindergarten through
3 three. However, a district shall only receive allocations for staff
4 above forty-nine certificated instructional staff to one thousand full-
5 time equivalent students in grades kindergarten through three if the
6 district documents an actual ratio equal to or greater than fifty-four
7 and three-tenths certificated instructional staff for one thousand
8 full-time equivalent students in grades kindergarten through three.
9 For any school district documenting a lower certificated instructional
10 staff ratio, the allocation shall be based on the higher of the
11 district's actual certificated instructional staff ratio for grades
12 kindergarten through three or forty-nine certificated instructional
13 staff for one thousand full-time equivalent students. Districts at or
14 above fifty-one certificated instructional staff per one thousand full-
15 time equivalent students in grades kindergarten through three may
16 dedicate up to one and three-tenths of the fifty-four and three-tenths
17 funding ratio to employ additional classified instructional assistants
18 assigned to basic education classrooms in grades kindergarten through
19 three. For purposes of documenting a district's staff ratio under this
20 subsection, funds used by the district to employ additional classified
21 instructional assistants shall be converted to a certificated staff
22 equivalent and added to the district's actual certificated
23 instructional staff ratio;

24 (ii) Forty-eight and thirty-six one-hundredths certificated
25 instructional staff to one thousand annual full-time equivalent
26 students enrolled in grades four and five. Any funds provided for
27 these additional two and thirty-six one-hundredths certificated
28 instructional staff units shall be allocated only if the district
29 documents an actual ratio equal to or greater than forty-eight and
30 thirty-six one-hundredths certificated instructional staff per thousand
31 full-time equivalent students in grades four and five. For any school
32 district documenting a lower certificated staff ratio, the allocation
33 shall be based on the higher of the district's actual fourth and fifth
34 grade ratio or forty-six certificated instructional staff per thousand.
35 The staff may be used in grades kindergarten through three if the
36 district documents an actual average ratio of forty-eight and thirty-
37 six one-hundredths certificated instructional staff in grades four and
38 five;

1 (iii) Forty-six certificated instructional staff to one thousand
2 annual average full-time equivalent students in grades (~~four~~) six
3 through twelve;

4 (~~(iii)~~) (iv) Four certificated administrative staff to one
5 thousand annual average full-time equivalent students in grades
6 kindergarten through twelve; and

7 (~~(iv)~~) (v) Sixteen and sixty-seven one-hundredths classified
8 personnel to one thousand annual average full-time equivalent students
9 enrolled in grades kindergarten through twelve.

10 (c) In the event the legislature rejects the distribution formula
11 recommended by the governor, without adopting a new distribution
12 formula, the distribution formula for the previous school year shall
13 remain in effect: PROVIDED, That the distribution formula developed
14 pursuant to this section shall be for state apportionment and
15 equalization purposes only and shall not be construed as mandating
16 specific operational functions of local school districts other than
17 those program requirements identified in RCW 28A.150.220 and
18 28A.150.100. The enrollment of any district shall be the annual
19 average number of full-time equivalent students and part-time students
20 as provided in RCW 28A.150.350, enrolled on the first school day of
21 each month and shall exclude full-time equivalent students with
22 disabilities recognized for the purposes of allocation of state funds
23 for programs under RCW 28A.155.010 through 28A.155.100. The definition
24 of full-time equivalent student shall be determined by rules of the
25 superintendent of public instruction: PROVIDED, That the definition
26 shall be included as part of the superintendent's biennial budget
27 request: PROVIDED, FURTHER, That any revision of the present
28 definition shall not take effect until approved by the house
29 appropriations committee and the senate ways and means committee:
30 PROVIDED, FURTHER, That the office of financial management shall make
31 a monthly review of the superintendent's reported full-time equivalent
32 students in the common schools in conjunction with RCW 43.62.050.

33 (3)(a) Certificated instructional staff shall include those persons
34 employed by a school district who are nonsupervisory employees within
35 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
36 people of unusual competence but without certification may teach
37 students so long as a certificated person exercises general
38 supervision: PROVIDED, FURTHER, That the hiring of such classified
39 people shall not occur during a labor dispute and such classified

1 people shall not be hired to replace certificated employees during a
2 labor dispute.

3 (b) Certificated administrative staff shall include all those
4 persons who are chief executive officers, chief administrative
5 officers, confidential employees, supervisors, principals, or assistant
6 principals within the meaning of RCW 41.59.020(4).

7 (4) Each annual average full-time equivalent certificated classroom
8 teacher's direct classroom contact hours shall average at least twenty-
9 five hours per week. Direct classroom contact hours shall be exclusive
10 of time required to be spent for preparation, conferences, or any other
11 nonclassroom instruction duties. Up to two hundred minutes per week
12 may be deducted from the twenty-five contact hour requirement, at the
13 discretion of the school district board of directors, to accommodate
14 authorized teacher/parent-guardian conferences, recess, passing time
15 between classes, and informal instructional activity. Implementing
16 rules to be adopted by the state board of education pursuant to RCW
17 28A.150.220(4) shall provide that compliance with the direct contact
18 hour requirement shall be based upon teachers' normally assigned weekly
19 instructional schedules, as assigned by the district administration.
20 Additional record-keeping by classroom teachers as a means of
21 accounting for contact hours shall not be required. Waivers from
22 contact hours may be requested under RCW 28A.305.140.

23 **Sec. 3.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read
24 as follows:

25 The basic education allocation for each annual average full-time
26 equivalent student shall be determined in accordance with the following
27 procedures:

28 (1) The governor shall and the superintendent of public instruction
29 may recommend to the legislature a formula based on a ratio of students
30 to staff for the distribution of a basic education allocation for each
31 annual average full-time equivalent student enrolled in a common
32 school. The distribution formula shall have the primary objective of
33 equalizing educational opportunities and shall provide appropriate
34 recognition of the following costs among the various districts within
35 the state:

- 36 (a) Certificated instructional staff and their related costs;
37 (b) Certificated administrative staff and their related costs;
38 (c) Classified staff and their related costs;

1 (d) Nonsalary costs;

2 (e) Extraordinary costs of remote and necessary schools and small
3 high schools, including costs of additional certificated and classified
4 staff; and

5 (f) The attendance of students pursuant to RCW 28A.335.160 and
6 28A.225.250 who do not reside within the servicing school district.

7 (2)(a) This formula for distribution of basic education funds shall
8 be reviewed biennially by the superintendent and governor. The
9 recommended formula shall be subject to approval, amendment or
10 rejection by the legislature. The formula shall be for allocation
11 purposes only. While the legislature intends that the allocations for
12 additional instructional staff be used to increase the ratio of such
13 staff to students, nothing in this section shall require districts to
14 reduce the number of administrative staff below existing levels.

15 (b) The formula adopted by the legislature shall reflect the
16 following ratios at a minimum:

17 (i) Forty-nine certificated instructional staff to one thousand
18 annual average full-time equivalent students enrolled in grades
19 kindergarten through three plus an additional five and three-tenths
20 certificated instructional staff units for grades kindergarten through
21 three. However, a district shall only receive allocations for staff
22 above forty-nine certificated instructional staff to one thousand full-
23 time equivalent students in grades kindergarten through three if the
24 district documents an actual ratio equal to or greater than fifty-four
25 and three-tenths certificated instructional staff for one thousand
26 full-time equivalent students in grades kindergarten through three.
27 For any school district documenting a lower certificated instructional
28 staff ratio, the allocation shall be based on the higher of the
29 district's actual certificated instructional staff ratio for grades
30 kindergarten through three or forty-nine certificated instructional
31 staff for one thousand full-time equivalent students. Districts at or
32 above fifty-one certificated instructional staff per one thousand full-
33 time equivalent students in grades kindergarten through three may
34 dedicate up to one and three-tenths of the fifty-four and three-tenths
35 funding ratio to employ additional classified instructional assistants
36 assigned to basic education classrooms in grades kindergarten through
37 three. For purposes of documenting a district's staff ratio under this
38 subsection, funds used by the district to employ additional classified
39 instructional assistants shall be converted to a certificated staff

1 equivalent and added to the district's actual certificated
2 instructional staff ratio;

3 (ii) Forty-eight and thirty-six one-hundredths certificated
4 instructional staff to one thousand annual full-time equivalent
5 students enrolled in grades four and five. Any funds provided for
6 these additional two and thirty-six one-hundredths certificated
7 instructional staff units shall be allocated only if the district
8 documents an actual ratio equal to or greater than forty-eight and
9 thirty-six one-hundredths certificated instructional staff per thousand
10 full-time equivalent students in grades four and five. For any school
11 district documenting a lower certificated staff ratio, the allocation
12 shall be based on the higher of the district's actual fourth and fifth
13 grade ratio or forty-six certificated instructional staff per thousand.
14 The staff may be used in grades kindergarten through three if the
15 district documents an actual average ratio of forty-eight and thirty-
16 six one-hundredths certificated instructional staff in grades four and
17 five;

18 (iii) Forty-six certificated instructional staff to one thousand
19 annual average full-time equivalent students in grades ((four)) six
20 through twelve;

21 ((iii)) (iv) Four certificated administrative staff to one
22 thousand annual average full-time equivalent students in grades
23 kindergarten through twelve; and

24 ((iv)) (v) Sixteen and sixty-seven one-hundredths classified
25 personnel to one thousand annual average full-time equivalent students
26 enrolled in grades kindergarten through twelve.

27 (c) In the event the legislature rejects the distribution formula
28 recommended by the governor, without adopting a new distribution
29 formula, the distribution formula for the previous school year shall
30 remain in effect: PROVIDED, That the distribution formula developed
31 pursuant to this section shall be for state apportionment and
32 equalization purposes only and shall not be construed as mandating
33 specific operational functions of local school districts other than
34 those program requirements identified in RCW 28A.150.220 and
35 28A.150.100. The enrollment of any district shall be the annual
36 average number of full-time equivalent students and part-time students
37 as provided in RCW 28A.150.350, enrolled on the first school day of
38 each month and shall exclude full-time equivalent students with
39 disabilities recognized for the purposes of allocation of state funds

1 for programs under RCW 28A.155.010 through 28A.155.100. The definition
2 of full_time equivalent student shall be determined by rules of the
3 superintendent of public instruction: PROVIDED, That the definition
4 shall be included as part of the superintendent's biennial budget
5 request: PROVIDED, FURTHER, That any revision of the present
6 definition shall not take effect until approved by the house
7 appropriations committee and the senate ways and means committee:
8 PROVIDED, FURTHER, That the office of financial management shall make
9 a monthly review of the superintendent's reported full_time equivalent
10 students in the common schools in conjunction with RCW 43.62.050.

11 (3)(a) Certificated instructional staff shall include those persons
12 employed by a school district who are nonsupervisory employees within
13 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
14 people of unusual competence but without certification may teach
15 students so long as a certificated person exercises general
16 supervision: PROVIDED, FURTHER, That the hiring of such classified
17 people shall not occur during a labor dispute and such classified
18 people shall not be hired to replace certificated employees during a
19 labor dispute.

20 (b) Certificated administrative staff shall include all those
21 persons who are chief executive officers, chief administrative
22 officers, confidential employees, supervisors, principals, or assistant
23 principals within the meaning of RCW 41.59.020(4).

24 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act take effect
25 September 1, 1999.

26 NEW SECTION. **Sec. 5.** Section 3 of this act shall take effect
27 September 1, 2000. However, section 3 of this act shall not take
28 effect if, by September 1, 2000, a law is enacted stating that a school
29 accountability and academic assessment system is not in place.

--- END ---