
SENATE BILL 5797

State of Washington

56th Legislature

1999 Regular Session

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 02/09/1999. Referred to Committee on Education.

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 Washington's
6 schools have some of the largest classes in the nation. The
7 legislature finds that reducing class size in the elementary grades is
8 a crucial step toward providing students with additional learning
9 opportunities to meet the increased challenges. The legislature
10 further finds that reducing class sizes and improving the student to
11 teacher ratio will provide students with the individual attention they
12 need to learn to the best of their abilities and to reach the new and
13 higher learning standards. The legislature further finds that
14 providing for smaller classes will help provide a safer and more
15 disciplined learning environment. The legislature further intends to
16 provide stability and improve planning for school districts by placing
17 improvements to the allocation formula for kindergarten through third
18 grade into statute. The legislature intends to improve the allocation

1 formula based upon the number of students in grades four and five and
2 place those improvements into statute.

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

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

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

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

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

18 (c) Classified staff and their related costs;

19 (d) Nonsalary costs;

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

23 (f) The attendance of students pursuant to RCW 28A.335.160 and
24 28A.225.250 who do not reside within the servicing school district.

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

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

35 (i) Forty-nine certificated instructional staff to one thousand
36 annual average full-time equivalent students enrolled in grades
37 kindergarten through three plus an additional five and three-tenths
38 certificated instructional staff units for grades kindergarten through

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

22 (ii) Forty-eight and thirty-six one-hundredths certificated
23 instructional staff to one thousand annual full-time equivalent
24 students enrolled in grades four and five. The staff may be used in
25 grades kindergarten through five if the district documents an actual
26 average ratio of forty-eight and thirty-six one-hundredths certificated
27 instructional staff in grades kindergarten through five;

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

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

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

37 (c) In the event the legislature rejects the distribution formula
38 recommended by the governor, without adopting a new distribution
39 formula, the distribution formula for the previous school year shall

1 remain in effect: PROVIDED, That the distribution formula developed
2 pursuant to this section shall be for state apportionment and
3 equalization purposes only and shall not be construed as mandating
4 specific operational functions of local school districts other than
5 those program requirements identified in RCW 28A.150.220 and
6 28A.150.100. The enrollment of any district shall be the annual
7 average number of full-time equivalent students and part-time students
8 as provided in RCW 28A.150.350, enrolled on the first school day of
9 each month and shall exclude full-time equivalent students with
10 disabilities recognized for the purposes of allocation of state funds
11 for programs under RCW 28A.155.010 through 28A.155.100. The definition
12 of full-time equivalent student shall be determined by rules of the
13 superintendent of public instruction: PROVIDED, That the definition
14 shall be included as part of the superintendent's biennial budget
15 request: PROVIDED, FURTHER, That any revision of the present
16 definition shall not take effect until approved by the house
17 appropriations committee and the senate ways and means committee:
18 PROVIDED, FURTHER, That the office of financial management shall make
19 a monthly review of the superintendent's reported full-time equivalent
20 students in the common schools in conjunction with RCW 43.62.050.

21 (3)(a) Certificated instructional staff shall include those persons
22 employed by a school district who are nonsupervisory employees within
23 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
24 people of unusual competence but without certification may teach
25 students so long as a certificated person exercises general
26 supervision: PROVIDED, FURTHER, That the hiring of such classified
27 people shall not occur during a labor dispute and such classified
28 people shall not be hired to replace certificated employees during a
29 labor dispute.

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

34 (4) Each annual average full-time equivalent certificated classroom
35 teacher's direct classroom contact hours shall average at least twenty-
36 five hours per week. Direct classroom contact hours shall be exclusive
37 of time required to be spent for preparation, conferences, or any other
38 nonclassroom instruction duties. Up to two hundred minutes per week
39 may be deducted from the twenty-five contact hour requirement, at the

1 discretion of the school district board of directors, to accommodate
2 authorized teacher/parent-guardian conferences, recess, passing time
3 between classes, and informal instructional activity. Implementing
4 rules to be adopted by the state board of education pursuant to RCW
5 28A.150.220(4) shall provide that compliance with the direct contact
6 hour requirement shall be based upon teachers' normally assigned weekly
7 instructional schedules, as assigned by the district administration.
8 Additional record-keeping by classroom teachers as a means of
9 accounting for contact hours shall not be required. Waivers from
10 contact hours may be requested under RCW 28A.305.140.

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

13 The basic education allocation for each annual average full-time
14 equivalent student shall be determined in accordance with the following
15 procedures:

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

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

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

26 (c) Classified staff and their related costs;

27 (d) Nonsalary costs;

28 (e) Extraordinary costs of remote and necessary schools and small
29 high schools, including costs of additional certificated and classified
30 staff; and

31 (f) The attendance of students pursuant to RCW 28A.335.160 and
32 28A.225.250 who do not reside within the servicing school district.

33 (2)(a) This formula for distribution of basic education funds shall
34 be reviewed biennially by the superintendent and governor. The
35 recommended formula shall be subject to approval, amendment or
36 rejection by the legislature. The formula shall be for allocation
37 purposes only. While the legislature intends that the allocations for
38 additional instructional staff be used to increase the ratio of such

1 staff to students, nothing in this section shall require districts to
2 reduce the number of administrative staff below existing levels.

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

5 (i) Forty-nine certificated instructional staff to one thousand
6 annual average full-time equivalent students enrolled in grades
7 kindergarten through three plus an additional five and three-tenths
8 certificated instructional staff units for grades kindergarten through
9 three. However, a district shall only receive allocations for staff
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31 instructional staff to one thousand annual full-time equivalent
32 students enrolled in grades four and five. The staff may be used in
33 grades kindergarten through five if the district documents an actual
34 average ratio of forty-eight and thirty-six one-hundredths certificated
35 instructional staff in grades kindergarten through five;

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

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

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

7 (c) In the event the legislature rejects the distribution formula
8 recommended by the governor, without adopting a new distribution
9 formula, the distribution formula for the previous school year shall
10 remain in effect: PROVIDED, That the distribution formula developed
11 pursuant to this section shall be for state apportionment and
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16 average number of full-time equivalent students and part-time students
17 as provided in RCW 28A.150.350, enrolled on the first school day of
18 each month and shall exclude full-time equivalent students with
19 disabilities recognized for the purposes of allocation of state funds
20 for programs under RCW 28A.155.010 through 28A.155.100. The definition
21 of full-time equivalent student shall be determined by rules of the
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28 a monthly review of the superintendent's reported full-time equivalent
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32 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
33 people of unusual competence but without certification may teach
34 students so long as a certificated person exercises general
35 supervision: PROVIDED, FURTHER, That the hiring of such classified
36 people shall not occur during a labor dispute and such classified
37 people shall not be hired to replace certificated employees during a
38 labor dispute.

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

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

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

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