H-2452.3

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**HOUSE BILL 2222**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Hunter, Sullivan, Carlyle, and Walkinshaw

AN ACT Relating to implementing the state's basic education obligation by revising state funding allocations, including for staffing and for class size reduction, and by providing cost-of-living adjustments and benefits as part of state basic education allocations; amending RCW 28A.150.261, 28A.400.205, 28A.150.250, and 28A.150.410; amending 2015 c 2 s 5 (uncodified); reenacting and amending RCW 28A.150.260; adding new sections to chapter 28A.150 RCW; creating a new section; recodifying RCW 28A.400.205; and providing effective dates.

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

NEW SECTION. **Sec.**  INTENT. It is the intent of the legislature to make education investments that demonstrate successful outcomes for common school students, including funding to reduce class sizes for the grades in which it is most effective, and funding to support career and college readiness, such as guidance counselors.

It is also the intent of the legislature to provide sufficient funding to allow school districts to hire and retain qualified teachers and other staff to implement the state's program of basic education. Part of this obligation is providing assurance that state allocations for school employee compensation will increase commensurate with increases in the cost of living. Another part of this obligation is allocating state funding for health care insurance for school district employees based on the same rate at which the state provides health care benefits for state employees.

To these ends, the legislature intends to revise the program of basic education to implement a schedule for class size reduction, staffing enhancements, and other formula enhancements, and to make allocations for cost-of-living increases and health insurance benefits part of the basic education program.

**Sec.**  RCW 28A.150.260 and 2015 c 2 s 2 (Initiative Measure No. 1351) and 2014 c 217 s 206 are each reenacted and amended to read as follows:

REVISIONS TO BASIC EDUCATION FUNDING FORMULAS.

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

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

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except ((~~as required for class size reduction funding provided under subsection (4)(f) of this section and~~)) as may be required under chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) As part of the state's distribution formula for basic education, allocations under this section must include salary cost-of-living adjustments as required by RCW 28A.400.205 (as recodified by this act) and allocations for school district employee health insurance benefits under section 7 of this act.

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

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

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

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

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

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

General education

average

class size

Grades K-3 17.0

Grade 4 ((~~25.0~~)) 27.00

Grades 5-6 ((~~25.0~~)) 27.00

Grades 7-8 ((~~25.0~~)) 28.53

Grades 9-12 ((~~25.0~~)) 28.74

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

Laboratory science

average class size

Grades 9-12 19.98

(b) ((~~During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.~~

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

Career and technical

education average

class size

Approved career and technical education offered at

the middle school and high school level ((~~19.0~~)) 26.57

Skill center programs meeting the standards established

by the office of the superintendent of public

instruction ((~~16.0~~)) 22.76

((~~(d)~~)) (c) In addition, the omnibus appropriations act shall at a minimum specify a specialty average class size for advanced placement and international baccalaureate courses.

((~~(e) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:~~

~~General education average~~

~~class size in~~

~~high poverty~~

~~Grades K-3~~ ~~15.0~~

~~Grade 4~~ ~~22.0~~

~~Grades 5-6~~ ~~23.0~~

~~Grades 7-8~~ ~~23.0~~

~~Grades 9-12~~ ~~23.0~~

~~(f)(i) Funding for average class sizes in this subsection (4) shall be provided only to the extent of, and proportionate to, the school district's demonstrated actual average class size, up to the funded class sizes.~~

~~(ii) Districts that demonstrate capital facility needs that prevent them from reducing actual class sizes to funded levels, may use funding in this subsection (4) for school-based personnel who provide direct services to students. Districts that use this funding for purposes other than reducing actual class sizes must annually report the number and dollar value for each type of personnel funded by school and grade level.~~

~~(iii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4).~~))

(5) The minimum allocation for each level of prototypical school shall include allocations ((~~necessary for the safe and effective operation of a school, to meet individual student needs, and to ensure all required school functions can be performed by appropriately trained personnel,~~)) for the following types of staff in addition to classroom teachers:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Elementary School | Middle School | High School |
| Principals, assistant principals, and other certificated building-level administrators | ((~~1.3~~)) 1.253 | ((~~1.4~~)) 1.353 | ((~~1.9~~)) 1.880 |
| Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs | ((~~1.0~~)) 0.663 | ((~~1.0~~)) 0.519 | ((~~1.0~~)) 0.523 |
| Health and social services: |  |  |  |
| School nurses | ((~~0.585~~)) 0.076 | ((~~0.888~~)) 0.060 | ((~~0.824~~)) 0.096 |
| Social workers | ((~~0.311~~)) 0.042 | ((~~0.088~~)) 0.006 | ((~~0.127~~)) 0.015 |
| Psychologists | ((~~0.104~~)) 0.017 | ((~~0.024~~)) 0.002 | ((~~0.049~~)) 0.007 |
| Guidance counselors, a function that includes parent outreach and graduation advising | ((~~0.50~~)) 0.493 | ((~~2.0~~)) 1.116 | ((~~2.539~~)) 2.939 |
| Teaching assistance, including any aspect of educational instructional services provided by classified employees | ((~~2.0~~)) 0.936 | ((~~1.0~~)) 0.700 | ((~~1.0~~)) 0.652 |
| Office support and other noninstructional aides | ((~~3.0~~)) 2.012 | ((~~3.5~~)) 2.325 | ((~~3.5~~)) 3.269 |
| Custodians | ((~~1.7~~)) 1.657 | ((~~2.0~~)) 1.942 | ((~~3.0~~)) 2.965 |
| Classified staff providing student and staff safety | ((~~0.0~~)) 0.079 | ((~~0.7~~)) 0.092 | ((~~1.3~~)) 0.141 |
| Parent involvement coordinators | ((~~1.0~~)) 0.50 | ((~~1.0~~)) 0.00 | ((~~1.0~~)) 0.00 |

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

Staff per 1,000

K-12 students

Technology ((~~2.8~~)) 0.628

Facilities, maintenance, and grounds ((~~4.0~~)) 1.813

Warehouse, laborers, and mechanics ((~~1.9~~)) 0.332

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

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

(8)(a) Except as provided in (b) ((~~and (c)~~)) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the ((~~2008-09~~)) 2015-16 school year:

Per annual average

full-time equivalent student

in grades K-12

Technology ((~~$54.43~~)) $127.17

Utilities and insurance ((~~$147.90~~)) $345.55

Curriculum and textbooks ((~~$58.44~~)) $136.54

Other supplies and library materials ((~~$124.07~~)) $289.88

Instructional professional development for certified and

classified staff ((~~$9.04~~)) $21.12

Facilities maintenance ((~~$73.27~~)) $171.19

Security and central office ((~~$50.76~~)) $118.60

(b) ((~~During the 2011-2013 biennium, the minimum allocation for maintenance, supplies, and operating costs shall be increased as specified in the omnibus appropriations act. The following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2015-16 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:~~

~~Per annual average~~

~~full-time equivalent student~~

~~in grades K-12~~

~~Technology~~ ~~$113.80~~

~~Utilities and insurance~~ ~~$309.21~~

~~Curriculum and textbooks~~ ~~$122.17~~

~~Other supplies and library materials~~ ~~$259.39~~

~~Instructional professional development for certificated and~~

~~classified staff~~ ~~$18.89~~

~~Facilities maintenance~~ ~~$153.18~~

~~Security and central office administration~~ ~~$106.12~~

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

Per annual average

full-time equivalent student

in grades 9-12

Technology $36.35

Curriculum and textbooks $39.02

Other supplies and library materials $82.84

Instructional professional development for certificated and

classified staff $6.04

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

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

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

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

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

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, ((~~1.5156~~)) 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

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

(ii) The minimum allocation for ((~~each level of~~)) prototypical elementary schools shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

(iii) The minimum allocation for prototypical middle schools shall provide resources to provide, on a statewide average, 6.0 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

(iv) The minimum allocation for prototypical high schools shall provide resources to provide, on a statewide average, 8.0 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

(v) Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

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

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

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

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

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

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

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

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

**Sec.**  RCW 28A.150.261 and 2015 c 2 s 3 (Initiative Measure No. 1351) are each amended to read as follows:

FUNDING SCHEDULE FOR INCREASES TO BASIC EDUCATION ALLOCATIONS.

In order to make measurable annual progress toward implementing the provisions of RCW 28A.150.260 and section 2, chapter 2, Laws of 2015 by September 1, 2017, the legislature shall increase state funding allocations under RCW 28A.150.260 according to the following schedule:

(1) For the 2015-2017 biennium, funding allocations shall be no less than ((~~fifty percent of the difference between the funding necessary to support the numerical values under RCW 28A.150.260 as of September 1, 2013, and the funding necessary to support the numerical values under section 2, chapter 2, Laws of 2015, with priority for additional funding provided during this biennium for the highest poverty schools and school districts~~)) the funding necessary for the following:

(a) Implementing class sizes of seventeen for kindergarten through third grade by reducing class sizes in equal annual increments from the 2014-15 school year allocation levels;

(b) Implementing allocations of 0.5 parent involvement coordinators for the prototypical elementary school and 0.5 guidance counselors for the prototypical middle school and the prototypical high school in equal annual increments from the 2014-15 school year allocation levels;

(2) By the ((~~end of the 2017-2019 biennium~~)) 2017-18 school year and thereafter, funding allocations shall be no less than the funding necessary to support the numerical values under section 2, chapter ((~~2~~)) ..., Laws of 2015 (section 2 of this act).

**Sec.**  RCW 28A.400.205 and 2013 2nd sp.s. c 5 s 1 are each amended to read as follows:

COLA ALLOCATION MADE PART OF STATE'S BASIC EDUCATION OBLIGATION.

(1) ((~~School district employees shall be provided~~)) To provide allocations sufficient to hire and retain qualified staff to implement the state's program of basic education, the state shall provide funding for an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2013-14 and 2014-15 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

**Sec.**  RCW 28A.150.250 and 2009 c 548 s 105 are each amended to read as follows:

LEGISLATURE MUST APPROPRIATE COLA AND BENEFITS ALLOCATIONS AS PART OF BASIC EDUCATION APPROPRIATIONS.

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.400.205 (as recodified by this act), section 7 of this act, 28A.150.390, and 28A.150.392 which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled.

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.150.260, 28A.400.205 (as recodified by this act), section 7 of this act, 28A.150.390, and 28A.150.392 to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.410.

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.150.260 and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured. However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

**Sec.**  RCW 28A.150.410 and 2010 c 236 s 10 are each amended to read as follows:

STATE TEACHER SALARY SCHEDULE MUST REFLECT COLA ADJUSTMENT.

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff. The salary schedule must reflect the cost-of-living adjustments required by RCW 28A.400.205 (as recodified by this act).

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.150 RCW to read as follows:

HEALTH INSURANCE BENEFIT ALLOCATION PART OF BASIC EDUCATION OBLIGATION.

State allocations to school districts for the program of basic education under RCW 28A.150.260 must include allocations for health insurance benefits for employees in the state-funded salary base. The allocations for these benefits must be based on the rate at which the state appropriates funding for health insurance for state employees in the omnibus operating appropriations act.

NEW SECTION. **Sec.**  COLA ALLOCATION STATUTE RECODIFIED IN BASIC EDUCATION CHAPTER. RCW 28A.400.205 is recodified as a section in chapter 28.150 RCW.

**Sec.**  2015 c 2 s 5 (Initiative Measure No. 1351) (uncodified) is amended to read as follows:

INITIATIVE MEASURE NO. 1351 EFFECTIVE DATE.

Section 2 of this act takes effect September 1, ((~~2018~~)) 2017.

NEW SECTION. **Sec.**  EFFECTIVE DATE. Section 2 of this act takes effect September 1, 2017.

NEW SECTION. **Sec.**  EFFECTIVE DATE FOR RCW 28A.150.261, COLA, AND BENEFITS PHASE-IN. Sections 3 through 7 of this act take effect September 1, 2015.

**--- END ---**