

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 1664

Chapter 109, Laws of 2022

67th Legislature
2022 Regular Session

PUBLIC SCHOOLS—PROTOTYPICAL FORMULAS—PHYSICAL, SOCIAL, AND EMOTIONAL
SUPPORT

EFFECTIVE DATE: June 9, 2022—Except for sections 3, 6, and 7, which
take effect September 1, 2022, and sections 4 and 5, which take
effect September 1, 2024.

Passed by the House March 7, 2022
Yeas 74 Nays 24

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2022
Yeas 45 Nays 2

DENNY HECK

President of the Senate

Approved March 23, 2022 3:57 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is **SECOND
SUBSTITUTE HOUSE BILL 1664** as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 23, 2022

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1664

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By House Appropriations (originally sponsored by Representatives Rule, Stonier, Shewmake, Senn, Ramel, Wicks, J. Johnson, Callan, Berg, Cody, Davis, Goodman, Leavitt, Santos, Simmons, Kloba, Pollet, Riccelli, Harris-Talley, Hackney, and Frame)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to prototypical school formulas for physical,
2 social, and emotional support in schools; amending RCW 28A.400.007,
3 28A.150.100, and 28A.150.410; reenacting and amending RCW 28A.150.260
4 and 28A.150.260; adding a new section to chapter 28A.300 RCW;
5 creating new sections; providing effective dates; and providing
6 expiration dates.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes that school
9 nurses, social workers, psychologists, and school counselors are
10 uniquely qualified to provide essential supports that address the
11 physical, social, and emotional needs of students. As the COVID-19
12 pandemic continues to impact the health and well-being of students,
13 the need for comprehensive student supports has grown beyond what is
14 currently funded in the prototypical school model. Therefore, the
15 legislature intends to provide increased allocations to school
16 districts that demonstrate they have hired staff for these roles. The
17 legislature hopes that this enhanced state funding will allow school
18 districts to redirect local levy dollars previously spent on these
19 positions to address learning loss resulting from the COVID-19
20 pandemic or to hire additional physical, social, and emotional
21 support staff.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
2 RCW to read as follows:

3 (1) By February 1, 2023, and by February 1st every odd-numbered
4 year thereafter, the office of the superintendent of public
5 instruction shall submit, in accordance with RCW 43.01.036, to the
6 appropriate committees of the legislature a report analyzing the
7 implementation of RCW 28A.150.260(5)(b), related to physical, social,
8 and emotional support staff.

9 (2) For the analysis, the office of the superintendent of public
10 instruction must use personnel data reported on or around October 1st
11 of the report year and the prior year, and any other relevant data.

12 (3) Except as provided in subsection (4) of this section, the
13 report must:

14 (a) Compare the staffing units provided for nurses, social
15 workers, psychologists, counselors, classified staff providing
16 student and staff safety, and parent involvement coordinators under
17 RCW 28A.150.260(5) to the actual school district staffing levels for
18 physical, social, and emotional support staff, disaggregate by school
19 district; and

20 (b) Analyze trends with respect to: (i) Employed staff and
21 contract staff; and (ii) the percentage of staff with a valid
22 educational staff associate certificate. These trends must be
23 disaggregated by assignment duty code, as well as analyzed year over
24 year and by school district size and geography.

25 (4) For the report due February 1, 2023, the office of the
26 superintendent of public instruction is required to complete the
27 analysis described in subsection (3) of this section only to the
28 extent that relevant data are available.

29 (5) For the purposes of this section, "physical, social, and
30 emotional support staff" or "staff" has the same meaning as in RCW
31 28A.150.260(5)(b).

32 (6) This section expires June 30, 2030.

33 **Sec. 3.** RCW 28A.150.260 and 2020 c 288 s 4 and 2020 c 61 s 4 are
34 each reenacted and amended to read as follows:

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

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

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

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

30 (3) (a) To the extent the technical details of the formula have
31 been adopted by the legislature and except when specifically provided
32 as a school district allocation, the distribution formula for the
33 basic education instructional allocation shall be based on minimum
34 staffing and nonstaff costs the legislature deems necessary to
35 support instruction and operations in prototypical schools serving
36 high, middle, and elementary school students as provided in this
37 section. The use of prototypical schools for the distribution formula
38 does not constitute legislative intent that schools should be
39 operated or structured in a similar fashion as the prototypes.
40 Prototypical schools illustrate the level of resources needed to

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

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

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

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

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

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

	General education average class size
29 Grades K-3.	17.00
30 Grade 4.	27.00
31 Grades 5-6.	27.00
32 Grades 7-8.	28.53
33 Grades 9-12.	28.74

36 (ii) The minimum class size allocation for each prototypical high
37 school shall also provide for enhanced funding for class size
38 reduction for two laboratory science classes within grades nine
39 through twelve per full-time equivalent high school student

1 multiplied by a laboratory science course factor of 0.0833, based on
2 the number of full-time equivalent classroom teachers needed to
3 provide instruction over the minimum required annual instructional
4 hours in RCW 28A.150.220, and providing at least one teacher planning
5 period per school day:

6		Laboratory science	
7		average class size	
8	Grades 9-12.		19.98

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

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

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

19		Career and technical	
20		education average	
21		class size	
22	Approved career and technical education offered at		
23	the middle school and high school level.		23.00
24	Skill center programs meeting the standards established		
25	by the office of the superintendent of public		
26	instruction.	((20.00))	<u>19.00</u>

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

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

31 (i) A high-poverty average class size in schools where more than
32 fifty percent of the students are eligible for free and reduced-price
33 meals; and

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

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

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators.	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs.	0.663	0.519	0.523
((Health and social services:			
School nurses.	0.076	0.060	0.096
Social workers.	0.042	0.006	0.015
Psychologists.	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising.	0.493	1.216	2.539)
Teaching assistance, including any aspect of educational instructional services provided by classified employees.	0.936	0.700	0.652
Office support and other noninstructional aides.	2.012	2.325	3.269
Custodians.	1.657	1.942	2.965
<u>Nurses.</u>	<u>0.246</u>	<u>0.336</u>	<u>0.339</u>
<u>Social workers.</u>	<u>0.132</u>	<u>0.033</u>	<u>0.052</u>
<u>Psychologists.</u>	<u>0.046</u>	<u>0.009</u>	<u>0.021</u>
<u>Counselors.</u>	<u>0.660</u>	<u>1.383</u>	<u>2.706</u>
Classified staff providing student and staff safety.	0.079	0.092	0.141
Parent involvement coordinators.	0.0825	0.00	0.00

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

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

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

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

	<u>Elementary</u>	<u>Middle</u>	<u>High</u>
	<u>School</u>	<u>School</u>	<u>School</u>
<u>Nurses.....</u>	<u>0.170</u>	<u>0.276</u>	<u>0.243</u>
<u>Social workers.....</u>	<u>0.090</u>	<u>0.027</u>	<u>0.037</u>
<u>Psychologists.....</u>	<u>0.029</u>	<u>0.007</u>	<u>0.014</u>
<u>Counselors.....</u>	<u>0.167</u>	<u>0.167</u>	<u>0.176</u>

(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.	0.628
Facilities, maintenance, and grounds.	1.813
Warehouse, laborers, and mechanics.	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 (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) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following

1 materials, supplies, and operating costs as provided in the 2017-18
2 school year, after which the allocations shall be adjusted annually
3 for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
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(b) In addition to the amounts provided in (a) 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
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(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, 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

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

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

6 (a)(i) To provide supplemental instruction and services for
7 students who are not meeting academic standards through the learning
8 assistance program under RCW 28A.165.005 through 28A.165.065,
9 allocations shall be based on the greater of either: The district
10 percentage of students in kindergarten through grade twelve who were
11 eligible for free or reduced-price meals for the school year
12 immediately preceding the district's participation, in whole or part,
13 in the United States department of agriculture's community
14 eligibility provision, or the district percentage of students in
15 grades K-12 who were eligible for free or reduced-price meals in the
16 prior school year. The minimum allocation for the program shall
17 provide for each level of prototypical school resources to provide,
18 on a statewide average, 2.3975 hours per week in extra instruction
19 with a class size of fifteen learning assistance program students per
20 teacher.

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

39 (b)(i) To provide supplemental instruction and services for
40 students whose primary language is other than English, allocations

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

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

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

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

37 (12)(a) For the purposes of allocations for prototypical high
38 schools and middle schools under subsections (4) and (10) of this
39 section that are based on the percent of students in the school who
40 are eligible for free and reduced-price meals, the actual percent of

1 such students in a school shall be adjusted by a factor identified in
2 the omnibus appropriations act to reflect underreporting of free and
3 reduced-price meal eligibility among middle and high school students.

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

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

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

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

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

32 **Sec. 4.** RCW 28A.150.260 and 2020 c 288 s 4 and 2020 c 61 s 4 are
33 each reenacted and amended to read as follows:

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

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

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

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

30 (3) (a) To the extent the technical details of the formula have
31 been adopted by the legislature and except when specifically provided
32 as a school district allocation, the distribution formula for the
33 basic education instructional allocation shall be based on minimum
34 staffing and nonstaff costs the legislature deems necessary to
35 support instruction and operations in prototypical schools serving
36 high, middle, and elementary school students as provided in this
37 section. The use of prototypical schools for the distribution formula
38 does not constitute legislative intent that schools should be
39 operated or structured in a similar fashion as the prototypes.
40 Prototypical schools illustrate the level of resources needed to

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

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

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

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

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

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

	General education average class size
31 Grades K-3.	17.00
32 Grade 4.	27.00
33 Grades 5-6.	27.00
34 Grades 7-8.	28.53
35 Grades 9-12.	28.74

36 (ii) The minimum class size allocation for each prototypical high
37 school shall also provide for enhanced funding for class size
38 reduction for two laboratory science classes within grades nine
39 through twelve per full-time equivalent high school student

1 multiplied by a laboratory science course factor of 0.0833, based on
2 the number of full-time equivalent classroom teachers needed to
3 provide instruction over the minimum required annual instructional
4 hours in RCW 28A.150.220, and providing at least one teacher planning
5 period per school day:

6		Laboratory science	
7		average class size	
8	Grades 9-12.		19.98

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

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

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

19		Career and technical	
20		education average	
21		class size	
22	Approved career and technical education offered at		
23	the middle school and high school level.		23.00
24	Skill center programs meeting the standards established		
25	by the office of the superintendent of public		
26	instruction.	((20.00))	<u>19.00</u>

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

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

31 (i) A high-poverty average class size in schools where more than
32 fifty percent of the students are eligible for free and reduced-price
33 meals; and

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

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

	Elementary School	Middle School	High School
1 Principals, assistant principals, and other certificated building-level			
2 administrators.	1.253	1.353	1.880
3			
4 Teacher-librarians, a function that includes information literacy, technology,			
5 and media to support school library media programs.	0.663	0.519	0.523
6			
7 ((Health and social services:			
8 School nurses.	0.076	0.060	0.096
9 Social workers.	0.042	0.006	0.015
10 Psychologists.	0.017	0.002	0.007
11 Guidance counselors, a function that includes parent outreach and graduation			
12 advising.	0.493	1.216	2.539))
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 <u>Nurses.</u>	<u>0.585</u>	<u>0.888</u>	<u>0.824</u>
18 <u>Social workers.</u>	<u>0.311</u>	<u>0.088</u>	<u>0.127</u>
19 <u>Psychologists.</u>	<u>0.104</u>	<u>0.024</u>	<u>0.049</u>
20 <u>Counselors.</u>	<u>0.993</u>	<u>1.716</u>	<u>3.039</u>
21 Classified staff providing student and staff safety.	0.079	0.092	0.141
22 Parent involvement coordinators.	0.0825	0.00	0.00

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

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

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

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

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

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

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

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

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

1	classified staff.	\$21.71
2	Facilities maintenance.	\$176.01
3	Security and central office administration.	\$121.94

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

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

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

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

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

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

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

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

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

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

26 (b)(i) To provide supplemental instruction and services for
27 students whose primary language is other than English, allocations
28 shall be based on the head count number of students in each school
29 who are eligible for and enrolled in the transitional bilingual
30 instruction program under RCW 28A.180.010 through 28A.180.080. The
31 minimum allocation for each level of prototypical school shall
32 provide resources to provide, on a statewide average, 4.7780 hours
33 per week in extra instruction for students in grades kindergarten
34 through six and 6.7780 hours per week in extra instruction for
35 students in grades seven through twelve, with fifteen transitional
36 bilingual instruction program students per teacher. Notwithstanding
37 other provisions of this subsection (10), the actual per-student
38 allocation may be scaled to provide a larger allocation for students
39 needing more intensive intervention and a commensurate reduced

1 allocation for students needing less intensive intervention, as
2 detailed in the omnibus appropriations act.

3 (ii) To provide supplemental instruction and services for
4 students who have exited the transitional bilingual program,
5 allocations shall be based on the head count number of students in
6 each school who have exited the transitional bilingual program within
7 the previous two years based on their performance on the English
8 proficiency assessment and are eligible for and enrolled in the
9 transitional bilingual instruction program under RCW
10 28A.180.040(1)(g). The minimum allocation for each prototypical
11 school shall provide resources to provide, on a statewide average,
12 3.0 hours per week in extra instruction with fifteen exited students
13 per teacher.

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

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

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

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

37 (13)(a) This formula for distribution of basic education funds
38 shall be reviewed biennially by the superintendent and governor. The
39 recommended formula shall be subject to approval, amendment or
40 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. 5. RCW 28A.400.007 and 2017 3rd sp.s. c 13 s 904 are each amended to read as follows:

(1) In addition to the staffing units in RCW 28A.150.260, the superintendent of public instruction must provide school districts with allocations for the following staff units if and to the extent that funding is specifically appropriated and designated for that category of staffing unit in the omnibus operating appropriations act.

(a) Additional staffing units for each level of prototypical school in RCW 28A.150.260:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators.....	0.0470	0.0470	0.0200
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs.....	0.3370	0.4810	0.4770
((Health and social services:			
School nurses.....	0.5090	0.8280	0.7280

1	Social workers.....	0.2690	0.0820	0.1120
2	Psychologists.....	0.0870	0.0220	0.0420
3	Guidance counselors, a function that includes parent outreach and graduation			
4	advising.....	0.0070	0.7840	0.9610))
5	Teaching assistance, including any aspect of educational instructional services			
6	provided by classified employees.....	1.0640	0.3000	0.3480
7	Office support and other noninstructional aides.....	0.9880	1.1750	0.2310
8	Custodians.....	0.0430	0.0580	0.0350
9	Classified staff providing student and staff safety.....	0.0000	0.6080	1.1590
10	Parent involvement coordinators.....	0.9175	1.0000	1.0000

11 (b) Additional certificated instructional staff units sufficient
12 to achieve the following reductions in class size in each level of
13 prototypical school under RCW 28A.150.260:

14			General education	
15			certificated instructional	
16			staff units sufficient to	
17			achieve class size reduction of:	
18	Grades K-3 class size.			0.00
19	Grade 4.			2.00
20	Grades 5-6.			2.00
21	Grades 7-8.			3.53
22	Grades 9-12.			3.74
23	CTE.			4.00
24	Skills.			((4.00)) <u>3.00</u>

25			High poverty	
26			certificated instructional	
27			staff units sufficient to	
28			achieve class size reduction of:	
29	Grades K-3 class size.			2.00
30	Grade 4.			5.00
31	Grades 5-6.			4.00
32	Grades 7-8.			5.53
33	Grades 9-12.			5.74

34 (2) The staffing units in subsection (1) of this section are an
35 enrichment to and are beyond the state's statutory program of basic
36 education in RCW 28A.150.220 and 28A.150.260. However, if and to the
37 extent that any of these additional staffing units are funded by

1 specific reference to this section in the omnibus operating
2 appropriations act, those units become part of prototypical school
3 funding formulas and a component of the state funding that the
4 legislature deems necessary to support school districts in offering
5 the statutory program of basic education under Article IX, section 1
6 of the state Constitution.

7 **Sec. 6.** RCW 28A.150.100 and 2013 2nd sp.s. c 18 s 512 are each
8 amended to read as follows:

9 (1) For the purposes of this section and RCW 28A.150.410 and
10 28A.400.200, "basic education certificated instructional staff" means
11 all full-time equivalent classroom teachers, teacher-librarians,
12 (~~guidance~~) counselors, certificated student health services staff,
13 and other certificated instructional staff in the following programs
14 as defined for statewide school district accounting purposes: Basic
15 education, secondary vocational education, general instructional
16 support, and general supportive services.

17 (2) Each school district shall maintain a ratio of at least
18 (~~forty-six~~) 46 basic education certificated instructional staff to
19 (~~one thousand~~) 1,000 annual average full-time equivalent students.
20 This requirement does not apply to that portion of a district's
21 annual average full-time equivalent enrollment that is enrolled in
22 alternative learning experience courses as defined in RCW
23 28A.232.010.

24 **Sec. 7.** RCW 28A.150.410 and 2018 c 266 s 202 are each amended to
25 read as follows:

26 (1) Through the 2017-18 school year, the legislature shall
27 establish for each school year in the appropriations act a statewide
28 salary allocation schedule, for allocation purposes only, to be used
29 to distribute funds for basic education certificated instructional
30 staff salaries under RCW 28A.150.260. For the purposes of this
31 section, the staff allocations for classroom teachers, teacher-
32 librarians, (~~guidance~~) counselors, and student health services
33 staff under RCW 28A.150.260 are considered allocations for
34 certificated instructional staff.

35 (2) Through the 2017-18 school year, salary allocations for
36 state-funded basic education certificated instructional staff shall
37 be calculated by the superintendent of public instruction by
38 determining the district's average salary for certificated

1 instructional staff, using the statewide salary allocation schedule
2 and related documents, conditions, and limitations established by the
3 omnibus appropriations act.

4 (3) Through the 2017-18 school year, no more than (~~ninety~~) 90
5 college quarter-hour credits received by any employee after the
6 baccalaureate degree may be used to determine compensation
7 allocations under the state salary allocation schedule and LEAP
8 documents referenced in the omnibus appropriations act, or any
9 replacement schedules and documents, unless:

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

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

13 (4) Beginning in the 2007-08 school year and through the 2017-18
14 school year, the calculation of years of service for occupational
15 therapists, physical therapists, speech-language pathologists,
16 audiologists, nurses, social workers, counselors, and psychologists
17 regulated under Title 18 RCW may include experience in schools and
18 other nonschool positions as occupational therapists, physical
19 therapists, speech-language pathologists, audiologists, nurses,
20 social workers, counselors, or psychologists. The calculation shall
21 be that one year of service in a nonschool position counts as one
22 year of service for purposes of this chapter, up to a limit of two
23 years of nonschool service. Nonschool years of service included in
24 calculations under this subsection shall not be applied to service
25 credit totals for purposes of any retirement benefit under chapter
26 41.32, 41.35, or 41.40 RCW, or any other state retirement system
27 benefits.

28 (5) By the 2018-19 school year, the minimum state allocation for
29 salaries for certificated instructional staff in the basic education
30 program must be increased to provide a statewide average allocation
31 of (~~sixty-four thousand dollars~~) \$64,000 adjusted for inflation
32 from the 2017-18 school year.

33 (6) By the 2018-19 school year, the minimum state allocation for
34 salaries for certificated administrative staff in the basic education
35 program must be increased to provide a statewide average allocation
36 of (~~ninety-five thousand dollars~~) \$95,000 adjusted for inflation
37 from the 2017-18 school year.

38 (7) By the 2018-19 school year, the minimum state allocation for
39 salaries for classified staff in the basic education program must be
40 increased to provide a statewide average allocation of (~~forty-five~~

1 ~~thousand nine hundred twelve dollars))~~ \$45,912 adjusted by inflation
2 from the 2017-18 school year.

3 (8) For school year 2018-19, a district's minimum state
4 allocation for salaries is the greater of the district's 2017-18
5 state salary allocation, adjusted for inflation, or the district's
6 allocation based on the state salary level specified in subsections
7 (5) through (7) of this section, and as further specified in the
8 omnibus appropriations act.

9 (9) Beginning with the 2018-19 school year, state allocations for
10 salaries for certificated instructional staff, certificated
11 administrative staff, and classified staff must be adjusted for
12 regional differences in the cost of hiring staff. Adjustments for
13 regional differences must be specified in the omnibus appropriations
14 act for each school year through at least school year 2022-23. For
15 school years 2018-19 through school year 2022-23, the school district
16 regionalization factors are based on the median single-family
17 residential value of each school district and proximate school
18 district median single-family residential value as described in RCW
19 28A.150.412.

20 (10) Beginning with the 2023-24 school year and every four years
21 thereafter, the minimum state salary allocations and school district
22 regionalization factors for certificated instructional staff,
23 certificated administrative staff, and classified staff must be
24 reviewed and rebased, as provided under RCW 28A.150.412, to ensure
25 that state salary allocations continue to align with staffing costs
26 for the state's program of basic education.

27 (11) For the purposes of this section, "inflation" has the
28 meaning provided in RCW 28A.400.205 for "inflationary adjustment
29 index."

30 NEW SECTION. **Sec. 8.** Sections 3, 6, and 7 of this act take
31 effect September 1, 2022.

32 NEW SECTION. **Sec. 9.** Section 3 of this act expires September 1,
33 2024.

34 NEW SECTION. **Sec. 10.** Sections 4 and 5 of this act take effect
35 September 1, 2024.

1 NEW SECTION. **Sec. 11.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2022, in the omnibus appropriations act, this
4 act is null and void.

Passed by the House March 7, 2022.

Passed by the Senate March 3, 2022.

Approved by the Governor March 23, 2022.

Filed in Office of Secretary of State March 23, 2022.

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