

**E2SHB 1238** - S COMM AMD

By Committee on Early Learning & K-12 Education

**NOT CONSIDERED 04/11/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that  
4 adequate childhood nutrition is indispensable for proper  
5 intellectual, academic, and social development. However, many  
6 Washington families continue to face economic and other challenges  
7 that impact students' ability to consistently access nutritional  
8 meals that support their growth and well-being.

9 (2) The legislature has acknowledged the widespread but often  
10 concealed harms of childhood hunger by enacting legislation in recent  
11 years to address this issue. For example, in 2018, the legislature  
12 established a breakfast after the bell program in high-needs schools,  
13 in 2021, the legislature eliminated lunch copays for qualifying  
14 students, and in 2022, the legislature expanded school participation  
15 in the federal community eligibility provision, a program that  
16 provides no-charge meals for all students at participating schools.

17 (3) These efforts and others have significantly increased student  
18 access to meals provided without charge, but the problems of food  
19 insecurity, with its lasting physiological and psychological harms,  
20 remain a reality for too many families, too many schools, and too  
21 many children.

22 (4) The legislature recognizes also that the myriad difficulties  
23 of the COVID-19 pandemic uniquely impacted school districts and food  
24 delivery systems. While the challenges of responding to the  
25 unprecedented disruptions of a global pandemic continue to  
26 reverberate in public schools, school districts, through hard work,  
27 federal approvals, and appropriate financial supports, successfully  
28 demonstrated their ability to provide meals without charge to all  
29 requesting students. However, federal provisions permitting meals to  
30 be served at no charge to all students during the school year have  
31 expired, so the task of broadly responding to student meal needs has  
32 returned to the states.

1 (5) Although childhood hunger persists, the legislature  
2 recognizes that the state and school districts have the needed  
3 infrastructure and ability to respond to the issue, including the  
4 potential to access or leverage federal funds that may become  
5 available for school meal programs. The legislature, therefore,  
6 intends to continue its multiyear effort to eliminate hunger and food  
7 insecurity within public schools by expanding the provision of meals  
8 without charge to the state's youngest K-12 students.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235  
10 RCW to read as follows:

11 (1)(a) In accordance with (b) and (c) of this subsection,  
12 beginning with the 2023-24 school year, each school district shall  
13 provide breakfast and lunch each school day to any student who  
14 requests a breakfast, lunch, or both. The school district must  
15 provide the meals at no charge to the student and without  
16 consideration of the student's eligibility for a federally reimbursed  
17 free or reduced-price meal. Meals provided under this section must be  
18 nutritiously adequate and qualify for federal reimbursement under the  
19 school lunch program or the school breakfast program, and students  
20 are not eligible for more than one meal in a meal service period.

21 (b) The requirements in (a) of this subsection apply to public  
22 schools in which:

23 (i) Educational services are provided to students in any of the  
24 grades of kindergarten through four; and

25 (ii) 30 percent or more of the enrolled students meet federal  
26 eligibility requirements for free or reduced-price lunches.

27 (c) The obligation to provide breakfast and lunch to students  
28 under this subsection (1):

29 (i) Begins in the 2023-24 school year for schools in which 40  
30 percent or more of the enrolled students meet federal eligibility  
31 requirements for free or reduced-price lunches;

32 (ii) Begins in the 2024-25 school year for schools in which the  
33 percentage of enrolled students that meet federal eligibility  
34 requirements for free or reduced-price lunches is at least 30 percent  
35 and less than 40 percent; and

36 (iii) Does not apply to schools participating in the United  
37 States department of agriculture's community eligibility provision  
38 under RCW 28A.235.300 that have not completed the duration of the  
39 provision's four-year cycle.

1 (2) The office of the superintendent of public instruction shall  
2 reimburse school districts, subject to the requirements of subsection  
3 (1) of this section, on a per meal reimbursement basis for meals that  
4 are not already reimbursed at the United States department of  
5 agriculture's free rate. The additional state reimbursement amount  
6 must be the difference between the United States department of  
7 agriculture's free rate and the United States department of  
8 agriculture's paid rate. For school districts that are not  
9 participating in the school lunch program or the school breakfast  
10 program that provided school meals to enrolled students meeting  
11 federal eligibility requirements for free and reduced-price lunches  
12 during the 2023-24 school year, the state reimbursement provided  
13 under this subsection must be equivalent to the per-meal  
14 reimbursement that the school district would have otherwise qualified  
15 for if it had been participating in the school lunch program and the  
16 school breakfast program.

17 (3) School districts, in accordance with RCW 28A.235.160, may be  
18 exempted from the requirements of this section.

19 (4) To maximize federal funding, school districts must continue  
20 collecting free and reduced-price meal eligibility applications where  
21 applicable and run direct certification at least monthly in  
22 accordance with RCW 28A.235.280. School districts shall also annually  
23 monitor data for eligibility in the United States department of  
24 agriculture community eligibility provision and apply where eligible  
25 as required in RCW 28A.235.300.

26 (5) For the purposes of this section, the following definitions  
27 apply:

28 (a) "Public school" has the same meaning as in RCW 28A.150.010.

29 (b) "School breakfast program" has the same meaning as in RCW  
30 28A.235.160.

31 (c) "School lunch program" has the same meaning as in RCW  
32 28A.235.160.

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

38 (7) The requirements in this section shall lapse if the federal  
39 reimbursement for any school breakfasts or lunches is eliminated.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 28A.235  
2    RCW to read as follows:

3        Public schools, as defined in RCW 28A.150.010, providing school  
4    meals to students are encouraged to buy Washington produced food  
5    whenever practicable and cost is comparable to non-Washington  
6    produced food.

7        **Sec. 4.**    RCW 28A.235.160 and 2021 c 74 s 2 are each reenacted and  
8    amended to read as follows:

9        (1) For the purposes of this section:

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

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

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

18       (d) "School lunch program" means a meal program meeting the  
19    requirements defined (~~(by the superintendent of public instruction~~  
20    ~~under subsection (2) (b) of this section)~~) in Title 42 U.S.C. Sec.  
21    1751 et seq.

22       (e) "Severe-need school" means a school that qualifies for a  
23    severe-need school reimbursement rate from federal funds for school  
24    breakfasts served to children from low-income families.

25       (f) "Summer food service program" means a meal or snack program  
26    meeting the requirements defined by the superintendent of public  
27    instruction under subsection (4) of this section.

28       (2) School districts shall implement a school lunch program in  
29    each public school in the district in which educational services are  
30    provided to children in any of the grades of kindergarten through  
31    four and in which (~~(twenty-five)~~) 25 percent or more of the enrolled  
32    students qualify for a free or reduced-price lunch. In accordance  
33    with section 2 of this act, school districts shall provide meals at  
34    no charge to all requesting students at public schools that meet the  
35    criteria established in section 2(1) (b) and (c) of this act. In  
36    developing and implementing its school lunch program and school  
37    breakfast program, each school district may consult with an advisory  
38    committee including school staff, community members, and others  
39    appointed by the board of directors of the district.

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

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

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

20       ~~(ii) The superintendent shall establish minimum standards~~  
21 ~~defining the lunch meals to be served, and such standards must be~~  
22 ~~sufficient to qualify the meals for any available federal~~  
23 ~~reimbursement.~~

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

27       (3) To the extent funds are appropriated for this purpose, each  
28 school district shall implement a school breakfast program in each  
29 school where more than ~~((forty))~~ 40 percent of students eligible to  
30 participate in the school lunch program qualify for free or reduced-  
31 price meal reimbursement ~~((by the school year 2005-06))~~. Beginning in  
32 the 2023-24 school year and in accordance with section 2 of this act,  
33 school districts shall implement a breakfast program in each school  
34 providing meals at no charge to students. For the second year before  
35 the implementation of the district's school breakfast program, and  
36 for each subsequent school year, each school district shall submit  
37 data enabling the superintendent of public instruction to determine  
38 which schools within the district will qualify for this requirement.  
39 Schools where lunch programs start after the 2003-04 school year,  
40 where ~~((forty))~~ 30 percent of students qualify for free or reduced-

1 price meals, must begin school breakfast programs the second year  
2 following the start of a lunch program.

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

16 (a) Beginning the summer of 2005 if the school currently offers a  
17 school breakfast or lunch program; or

18 (b) Beginning the summer following the school year during which a  
19 school implements a school lunch program under (~~subsection (2) (b)~~  
20 ~~of~~) this section.

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

24 (a) Preparing the meals on-site;

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

27 (c) Contracting with a nonschool entity that is a licensed food  
28 service establishment under RCW 69.07.010.

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

35 (7) Beginning in the 2021-22 school year, school districts with  
36 school lunch programs must eliminate lunch copays for students in  
37 prekindergarten through 12th grade who qualify for reduced-price  
38 lunches, and the superintendent of public instruction must allocate  
39 funding for this purpose.

1 (8) The requirements in this section shall lapse if the federal  
2 reimbursement for any school breakfasts, lunches, or summer food  
3 service programs is eliminated.

4 (9) School districts may be exempted from the requirements of  
5 this section and section 2 of this act by showing good cause why they  
6 cannot comply with the office of the superintendent of public  
7 instruction to the extent that such exemption is not in conflict with  
8 federal or state law. The process and criteria by which school  
9 districts (~~are~~) may be exempted shall be developed by rule and  
10 revised if necessary by the office of the superintendent of public  
11 instruction in consultation with representatives of school directors,  
12 school food service, community-based organizations, and (~~the~~  
13 ~~Washington state PTA~~) a state organization of parents and teachers.

14 **Sec. 5.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to  
15 read as follows:

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

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

25 (2)(a) The distribution formula under this section shall be for  
26 allocation purposes only. Except as may be required under subsections  
27 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,  
28 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,  
29 nothing in this section requires school districts to use basic  
30 education instructional funds to implement a particular instructional  
31 approach or service. Nothing in this section requires school  
32 districts to maintain a particular classroom teacher-to-student ratio  
33 or other staff-to-student ratio or to use allocated funds to pay for  
34 particular types or classifications of staff. Nothing in this section  
35 entitles an individual teacher to a particular teacher planning  
36 period.

37 (b) To promote transparency in state funding allocations, the  
38 superintendent of public instruction must report state per-pupil  
39 allocations for each school district for the general apportionment,

1 special education, learning assistance, transitional bilingual,  
2 highly capable, and career and technical education programs. The  
3 superintendent must report this information in a user-friendly format  
4 on the main page of the office's website. School districts must  
5 include a link to the superintendent's per-pupil allocations report  
6 on the main page of the school district's website. In addition, the  
7 budget documents published by the legislature for the enacted omnibus  
8 operating appropriations act must report statewide average per-pupil  
9 allocations for general apportionment and the categorical programs  
10 listed in this subsection.

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

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

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

38 (ii) A prototypical middle school has (~~(four hundred thirty-two)~~)  
39 432 average annual full-time equivalent students in grades seven and  
40 eight; and

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

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

	General education average class size
11 Grades K-3. . . . .	17.00
12 Grade 4. . . . .	27.00
13 Grades 5-6. . . . .	27.00
14 Grades 7-8. . . . .	28.53
15 Grades 9-12. . . . .	28.74

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

	Laboratory science average class size
25 Grades 9-12. . . . .	19.98

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

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

32 (c) (i) The minimum allocation for each prototypical middle and  
33 high school shall also provide for full-time equivalent classroom  
34

1 teachers based on the following number of full-time equivalent  
 2 students per teacher in career and technical education:

3		Career and technical
4		education average
5		class size
6	Approved career and technical education offered at	
7	the middle school and high school level. . . . .	23.00
8	Skill center programs meeting the standards established	
9	by the office of the superintendent of public	
10	instruction. . . . .	19.00

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

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

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

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

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

	Elementary	Middle	High
	School	School	School
25 Principals, assistant principals, and other certificated building-level			
26 administrators. . . . .	1.253	1.353	1.880
27 Teacher-librarians, a function that includes information literacy, technology,			
28 and media to support school library media programs. . . . .	0.663	0.519	0.523
29 Teaching assistance, including any aspect of educational instructional services			
30 provided by classified employees. . . . .	0.936	0.700	0.652
31 Office support and other noninstructional aides. . . . .	2.012	2.325	3.269
32 Custodians. . . . .	1.657	1.942	2.965
33 Nurses. . . . .	0.246	0.336	0.339
34 Social workers. . . . .	0.132	0.033	0.052
35 Psychologists. . . . .	0.046	0.009	0.021
36 Counselors. . . . .	0.660	1.383	2.706

1	Classified staff providing student and staff safety. ....	0.079	0.092	0.141
2	Parent involvement coordinators. ....	0.0825	0.00	0.00

3 (b) (i) The superintendent may only allocate funding, up to the  
4 combined minimum allocations, for nurses, social workers,  
5 psychologists, counselors, classified staff providing student and  
6 staff safety, and parent involvement coordinators under (a) and (c)  
7 of this subsection to the extent of and proportionate to a school  
8 district's demonstrated actual ratios of: Full-time equivalent  
9 physical, social, and emotional support staff to full-time equivalent  
10 students.

11 (ii) The superintendent must adopt rules to implement this  
12 subsection (5)(b) and the rules must require school districts to  
13 prioritize funding allocated as required by (b)(i) of this subsection  
14 for physical, social, and emotional support staff who hold a valid  
15 educational staff associate certificate appropriate for the staff's  
16 role.

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

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

	Elementary	Middle	High
	School	School	School
27 Nurses. ....	0.170	0.276	0.243
28 Social workers. ....	0.090	0.027	0.037
29 Psychologists. ....	0.029	0.007	0.014
30 Counselors. ....	0.167	0.167	0.176

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

Staff per 1,000

1		K-12 students
2	Technology. . . . .	0.628
3	Facilities, maintenance, and grounds. . . . .	1.813
4	Warehouse, laborers, and mechanics. . . . .	0.332

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

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

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

20		Per annual average
21		full-time equivalent student
22		in grades K-12
23	Technology. . . . .	\$130.76
24	Utilities and insurance. . . . .	\$355.30
25	Curriculum and textbooks. . . . .	\$140.39
26	Other supplies . . . . .	\$278.05
27	Library materials. . . . .	\$20.00
28	Instructional professional development for certificated and	
29	classified staff. . . . .	\$21.71
30	Facilities maintenance. . . . .	\$176.01
31	Security and central office administration. . . . .	\$121.94

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

38 Per annual average

1	full-time equivalent student	
2		in grades 9-12
3	Technology. . . . .	\$36.35
4	Curriculum and textbooks. . . . .	\$39.02
5	Other supplies . . . . .	\$77.28
6	Library materials. . . . .	\$5.56
7	Instructional professional development for certificated and	
8	classified staff. . . . .	\$6.04

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

13 (a) Exploratory career and technical education courses for  
14 students in grades seven through (~~twelve~~) 12;

15 (b) Preparatory career and technical education courses for  
16 students in grades nine through (~~twelve~~) 12 offered in a high  
17 school; and

18 (c) Preparatory career and technical education courses for  
19 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a  
20 skill center.

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

24 (a)(i) To provide supplemental instruction and services for  
25 students who are not meeting academic standards through the learning  
26 assistance program under RCW 28A.165.005 through 28A.165.065,  
27 allocations shall be based on the greater of either: The district  
28 percentage of students in kindergarten through grade (~~twelve~~) 12  
29 who were eligible for free or reduced-price meals for the school year  
30 immediately preceding the district's participation, in whole or part,  
31 in the United States department of agriculture's community  
32 eligibility provision, or the district percentage of students in  
33 grades K-12 who were eligible for free or reduced-price meals in the  
34 prior school year. The minimum allocation for the program shall,  
35 except as provided in (a)(iii) of this subsection, provide for each  
36 level of prototypical school resources to provide, on a statewide  
37 average, 2.3975 hours per week in extra instruction with a class size  
38 of (~~fifteen~~) 15 learning assistance program students per teacher.

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

20 (iii) For the 2024-25 and 2025-26 school years, allocations under  
21 (a)(i) of this subsection for school districts providing meals at no  
22 charge to students under section 2 of this act that are not  
23 participating, in whole or in part, in the United States department  
24 of agriculture's community eligibility provision shall be based on  
25 the school district percentage of students in grades K-12 who were  
26 eligible for free or reduced-price meals in school years 2019-20  
27 through 2022-23 or the prior school year, whichever is greatest.

28 (iv) For the 2024-25 and 2025-26 school years, a school providing  
29 meals at no charge to students under section 2 of this act that is  
30 not participating in the department of agriculture's community  
31 eligibility provision continues to meet the definition of a  
32 qualifying school under (a)(ii) of this subsection if the school met  
33 the definition during one year of the 2019-20 through 2022-23 school  
34 years, or in the prior school year.

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

1 provide resources to provide, on a statewide average, 4.7780 hours  
2 per week in extra instruction for students in grades kindergarten  
3 through six and 6.7780 hours per week in extra instruction for  
4 students in grades seven through ~~((twelve))~~ 12, with ~~((fifteen))~~ 15  
5 transitional bilingual instruction program students per teacher.  
6 Notwithstanding other provisions of this subsection (10), the actual  
7 per-student allocation may be scaled to provide a larger allocation  
8 for students needing more intensive intervention and a commensurate  
9 reduced allocation for students needing less intensive intervention,  
10 as detailed in the omnibus appropriations act.

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

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

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

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

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

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

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

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

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

29 **Sec. 6.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to  
30 read as follows:

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

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

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

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

26           (3) (a) To the extent the technical details of the formula have  
27 been adopted by the legislature and except when specifically provided  
28 as a school district allocation, the distribution formula for the  
29 basic education instructional allocation shall be based on minimum  
30 staffing and nonstaff costs the legislature deems necessary to  
31 support instruction and operations in prototypical schools serving  
32 high, middle, and elementary school students as provided in this  
33 section. The use of prototypical schools for the distribution formula  
34 does not constitute legislative intent that schools should be  
35 operated or structured in a similar fashion as the prototypes.  
36 Prototypical schools illustrate the level of resources needed to  
37 operate a school of a particular size with particular types and grade  
38 levels of students using commonly understood terms and inputs, such  
39 as class size, hours of instruction, and various categories of school  
40 staff. It is the intent that the funding allocations to school

1 districts be adjusted from the school prototypes based on the actual  
2 number of annual average full-time equivalent students in each grade  
3 level at each school in the district and not based on the grade-level  
4 configuration of the school to the extent that data is available. The  
5 allocations shall be further adjusted from the school prototypes with  
6 minimum allocations for small schools and to reflect other factors  
7 identified in the omnibus appropriations act.

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

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

13 (ii) A prototypical middle school has (~~four hundred thirty-two~~)  
14 432 average annual full-time equivalent students in grades seven and  
15 eight; and

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

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

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

31 (ii) The minimum class size allocation for each prototypical high  
32 school shall also provide for enhanced funding for class size  
33 reduction for two laboratory science classes within grades nine  
34 through (~~twelve~~) 12 per full-time equivalent high school student  
35 multiplied by a laboratory science course factor of 0.0833, based on  
36 the number of full-time equivalent classroom teachers needed to  
37 provide instruction over the minimum required annual instructional  
38  
39

1 hours in RCW 28A.150.220, and providing at least one teacher planning  
2 period per school day:

3 Laboratory science  
4 average class size  
5 Grades 9-12. . . . . 19.98

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

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

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

16 Career and technical  
17 education average  
18 class size  
19 Approved career and technical education offered at  
20 the middle school and high school level. . . . . 23.00  
21 Skill center programs meeting the standards established  
22 by the office of the superintendent of public  
23 instruction. . . . . 19.00

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

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

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

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

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

36 Elementary Middle High  
37 School School School

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

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

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

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

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

1		Staff per 1,000
2		K-12 students
3	Technology. . . . .	0.628
4	Facilities, maintenance, and grounds. . . . .	1.813
5	Warehouse, laborers, and mechanics. . . . .	0.332

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

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

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

21		Per annual average
22		full-time equivalent student
23		in grades K-12
24	Technology. . . . .	\$130.76
25	Utilities and insurance. . . . .	\$355.30
26	Curriculum and textbooks. . . . .	\$140.39
27	Other supplies . . . . .	\$278.05
28	Library materials. . . . .	\$20.00
29	Instructional professional development for certificated and	
30	classified staff. . . . .	\$21.71
31	Facilities maintenance. . . . .	\$176.01
32	Security and central office administration. . . . .	\$121.94

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

	Per annual average full-time equivalent student in grades 9-12
1 Technology. . . . .	\$36.35
2 Curriculum and textbooks. . . . .	\$39.02
3 Other supplies . . . . .	\$77.28
4 Library materials. . . . .	\$5.56
5 Instructional professional development for certificated and 6 classified staff. . . . .	\$6.04

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

- 11 (a) Exploratory career and technical education courses for  
12 students in grades seven through (~~twelve~~) 12;
- 13 (b) Preparatory career and technical education courses for  
14 students in grades nine through (~~twelve~~) 12 offered in a high  
15 school; and
- 16 (c) Preparatory career and technical education courses for  
17 students in grades (~~eleven~~) 11 and (~~twelve~~) 12 offered through a  
18 skill center.

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

- 22 (a)(i) To provide supplemental instruction and services for  
23 students who are not meeting academic standards through the learning  
24 assistance program under RCW 28A.165.005 through 28A.165.065,  
25 allocations shall be based on the greater of either: The district  
26 percentage of students in kindergarten through grade (~~twelve~~) 12  
27 who were eligible for free or reduced-price meals for the school year  
28 immediately preceding the district's participation, in whole or part,  
29 in the United States department of agriculture's community  
30 eligibility provision, or the district percentage of students in  
31 grades K-12 who were eligible for free or reduced-price meals in the  
32 prior school year. The minimum allocation for the program shall,  
33 except as provided in (a)(iii) of this subsection, provide for each  
34 level of prototypical school resources to provide, on a statewide  
35 average, 2.3975 hours per week in extra instruction with a class size  
36 of (~~fifteen~~) 15 learning assistance program students per teacher.

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

20 (iii) For the 2024-25 and 2025-26 school years, allocations under  
21 (a)(i) of this subsection for school districts providing meals at no  
22 charge to students under section 2 of this act that are not  
23 participating, in whole or in part, in the United States department  
24 of agriculture's community eligibility provision shall be based on  
25 the school district percentage of students in grades K-12 who were  
26 eligible for free or reduced-price meals in school years 2019-20  
27 through 2022-23 or the prior school year, whichever is greatest.

28 (iv) For the 2024-25 and 2025-26 school years, a school providing  
29 meals at no charge to students under section 2 of this act that is  
30 not participating in the department of agriculture's community  
31 eligibility provision continues to meet the definition of a  
32 qualifying school under (a)(ii) of this subsection if the school met  
33 the definition during one year of the 2019-20 through 2022-23 school  
34 years, or in the prior school year.

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

1 provide resources to provide, on a statewide average, 4.7780 hours  
2 per week in extra instruction for students in grades kindergarten  
3 through six and 6.7780 hours per week in extra instruction for  
4 students in grades seven through ~~((twelve))~~ 12, with ~~((fifteen))~~ 15  
5 transitional bilingual instruction program students per teacher.  
6 Notwithstanding other provisions of this subsection (10), the actual  
7 per-student allocation may be scaled to provide a larger allocation  
8 for students needing more intensive intervention and a commensurate  
9 reduced allocation for students needing less intensive intervention,  
10 as detailed in the omnibus appropriations act.

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

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

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

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

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

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

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

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

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

29 **Sec. 7.** RCW 28A.405.415 and 2020 c 288 s 5 are each amended to  
30 read as follows:

31 (1) Certificated instructional staff who have attained  
32 certification from the national board for professional teaching  
33 standards shall receive a bonus each year in which they maintain the  
34 certification. The bonus shall be calculated as follows: The annual  
35 bonus shall be (~~five thousand dollars~~) \$5,000 in the 2007-08 school  
36 year. Thereafter, the annual bonus shall increase by inflation,  
37 except that the bonus shall not be increased during the 2013-14 and  
38 2014-15 school years.

1 (2)(a) Certificated instructional staff who have attained  
2 certification from the national board for professional teaching  
3 standards shall be eligible for bonuses in addition to that provided  
4 by subsection (1) of this section if the individual is in an  
5 instructional assignment in a school in which at least (~~seventy~~) 70  
6 percent of the students qualify for the free and reduced-price lunch  
7 program.

8 (b) An individual is eligible for bonuses authorized under this  
9 subsection (2) if he or she is in an instructional assignment in a  
10 school that meets the definition of high poverty school as defined in  
11 rule by the office of the superintendent of public instruction in the  
12 school year immediately preceding the school's participation in the  
13 United States department of agriculture's community eligibility  
14 provision.

15 (c) For the 2024-25 and 2025-26 school years, individuals are  
16 eligible for bonuses under this subsection if they are in an  
17 instructional assignment in a school providing meals at no charge to  
18 students under section 2 of this act that met the definition of high  
19 poverty school as defined in rule by the office of the superintendent  
20 of public instruction during the 2022-23 school year.

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

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

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

31 NEW SECTION. Sec. 8. RCW 28A.235.140 (School breakfast  
32 programs) and 1993 c 333 s 1 & 1989 c 239 s 2 are each repealed.

33 NEW SECTION. Sec. 9. If specific funding for the purposes of  
34 this act, referencing this act by bill or chapter number, is not  
35 provided by June 30, 2023, in the omnibus appropriations act, this  
36 act is null and void.

1        NEW SECTION.    **Sec. 10.**    Section 5 of this act expires September  
2 1, 2024.

3        NEW SECTION.    **Sec. 11.**    Section 6 of this act takes effect  
4 September 1, 2024."

**E2SHB 1238** - S COMM AMD

By Committee on Early Learning & K-12 Education

**NOT CONSIDERED 04/11/2023**

5        On page 1, line 1 of the title, after "all;" strike the remainder  
6 of the title and insert "amending RCW 28A.150.260, 28A.150.260, and  
7 28A.405.415; reenacting and amending RCW 28A.235.160; adding new  
8 sections to chapter 28A.235 RCW; creating a new section; repealing  
9 RCW 28A.235.140; providing an effective date; and providing an  
10 expiration date."

EFFECT: (1) Provides that the requirements related to certain schools serving grades K-4 to provide breakfast and lunch at no charge to any requesting student will lapse if the federal reimbursement for any school breakfasts or lunches is eliminated.

(2) Removes subject to appropriations language as it relates to school districts being required to implement a breakfast program in each school providing meals at no charge beginning in the 2023-24 school year and in accordance with the school meal requirements.

--- END ---