
HOUSE BILL 2387

State of Washington

68th Legislature

2024 Regular Session

By Representatives Rude, Corry, Sandlin, Caldier, Couture, Connors, Chambers, and Stokesbary

Read first time 01/16/24. Referred to Committee on Appropriations.

1 AN ACT Relating to increasing classified allocations to improve
2 student outcomes; amending RCW 28A.150.260; creating a new section;
3 providing an effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 28A.150.260 and 2023 c 379 s 6 are each amended to
6 read as follows:

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

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

16 (2)(a) The distribution formula under this section shall be for
17 allocation purposes only. Except as may be required under subsections
18 (4)(b) and (c), (5)(b) and (c), and (9) of this section, chapter
19 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
20 regulations, nothing in this section requires school districts to use
21 basic education instructional funds to implement a particular

1 instructional approach or service. Nothing in this section requires
2 school districts to maintain a particular classroom teacher-to-
3 student ratio or other staff-to-student ratio or to use allocated
4 funds to pay for particular types or classifications of staff.
5 Nothing in this section entitles an individual teacher to a
6 particular teacher planning period.

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

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

1 minimum allocations for small schools and to reflect other factors
2 identified in the omnibus appropriations act.

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

5 (i) A prototypical high school has 600 average annual full-time
6 equivalent students in grades nine through 12;

7 (ii) A prototypical middle school has 432 average annual full-
8 time equivalent students in grades seven and eight; and

9 (iii) A prototypical elementary school has 400 average annual
10 full-time equivalent students in grades kindergarten through six.

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

	General education average class size
18 Grades K-3.	17.00
19 Grade 4.	27.00
20 Grades 5-6.	27.00
21 Grades 7-8.	28.53
22 Grades 9-12.	28.74

25 (ii) The minimum class size allocation for each prototypical high
26 school shall also provide for enhanced funding for class size
27 reduction for two laboratory science classes within grades nine
28 through 12 per full-time equivalent high school student multiplied by
29 a laboratory science course factor of 0.0833, based on the number of
30 full-time equivalent classroom teachers needed to provide instruction
31 over the minimum required annual instructional hours in RCW
32 28A.150.220, and providing at least one teacher planning period per
33 school day:

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

37 (b)(i) Beginning September 1, 2019, funding for average K-3 class
38 sizes in this subsection (4) may be provided only to the extent of,

1 and proportionate to, the school district's demonstrated actual class
 2 size in grades K-3, up to the funded class sizes.

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

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

	Career and technical education average class size
9 Approved career and technical education offered at 10 the middle school and high school level.	23.00
11 Skill center programs meeting the standards established 12 by the office of the superintendent of public 13 instruction.	19.00

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

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

18 (i) A high-poverty average class size in schools where more than
 19 50 percent of the students are eligible for free and reduced-price
 20 meals; and

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

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

	Elementary School	Middle School	High School
26 Principals, assistant principals, and other certificated building-level 27 administrators.	1.253	1.353	1.880
28 Teacher-librarians, a function that includes information literacy, technology, 29 and media to support school library media programs.	0.663	0.519	0.523
30 Teaching assistance, including any aspect of educational instructional services 31 provided by classified employees.	0.936	0.700	0.652
32 Office support and other noninstructional aides.	2.012	2.325	3.269

1	Custodians.....	1.657	1.942	2.965
2	Nurses.....	0.585	0.888	0.824
3	Social workers.....	0.311	0.088	0.127
4	Psychologists.....	0.104	0.024	0.049
5	Counselors.....	0.993	1.716	3.039
6	Classified staff providing student and staff safety.....	0.079	0.092	0.141
7	Parent involvement coordinators.....	0.0825	0.00	0.00

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

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

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

27 (c) Beginning in the 2024-25 school year, in addition to the
28 minimum allocations under (a) of this subsection, allocations for the
29 following types of staff for each level of prototypical school must
30 be provided.

31 (i) Amounts provided in this subsection (5)(c)(i) may be used
32 only for salaries and benefits for teaching assistance, including any
33 aspect of educational instructional services provided by classified
34 employees.

35		<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
36		<u>School</u>	<u>School</u>	

1 Teaching assistance, including any aspect of educational instructional
 2 services provided by classified employees..... 1.000 1.000 1.000

3 (ii) Amounts provided in this subsection (5)(c)(ii) may be used
 4 only for salaries and benefits for classified staff or contracts for
 5 services previously performed by classified staff.

6		<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
7		<u>School</u>	<u>School</u>	
8	<u>Classified staff.....</u>	<u>1.000</u>	<u>1.000</u>	<u>1.000</u>

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

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

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

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

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

33		Per annual average
34		full-time equivalent student
35		in grades K-12
36	Technology.	\$130.76
37	Utilities and insurance.	\$355.30

1	Curriculum and textbooks.	\$140.39
2	Other supplies	\$278.05
3	Library materials.	\$20.00
4	Instructional professional development for certificated and	
5	classified staff.	\$21.71
6	Facilities maintenance.	\$176.01
7	Security and central office administration.	\$121.94

8 (b) In addition to the amounts provided in (a) of this
9 subsection, beginning in the 2014-15 school year, the omnibus
10 appropriations act shall provide the following minimum allocation for
11 each annual average full-time equivalent student in grades nine
12 through 12 for the following materials, supplies, and operating
13 costs, to be adjusted annually for inflation:

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

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

- 27 (a) Exploratory career and technical education courses for
- 28 students in grades seven through 12;
- 29 (b) Preparatory career and technical education courses for
- 30 students in grades nine through 12 offered in a high school; and
- 31 (c) Preparatory career and technical education courses for
- 32 students in grades 11 and 12 offered through a skill center.

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

- 36 (a) (i) To provide supplemental instruction and services for
- 37 students who are not meeting academic standards through the learning
- 38 assistance program under RCW 28A.165.005 through 28A.165.065,
- 39 allocations shall be based on the greater of either: The district

1 percentage of students in kindergarten through grade 12 who were
2 eligible for free or reduced-price meals for the school year
3 immediately preceding the district's participation, in whole or part,
4 in the United States department of agriculture's community
5 eligibility provision, or the district percentage of students in
6 grades K-12 who were eligible for free or reduced-price meals in the
7 prior school year. The minimum allocation for the program shall,
8 except as provided in (a)(iii) of this subsection, provide for each
9 level of prototypical school resources to provide, on a statewide
10 average, 2.3975 hours per week in extra instruction with a class size
11 of 15 learning assistance program students per teacher.

12 (ii) In addition to funding allocated under (a)(i) of this
13 subsection, to provide supplemental instruction and services for
14 students who are not meeting academic standards in qualifying
15 schools. A qualifying school, except as provided in (a)(iv) of this
16 subsection, means a school in which the three-year rolling average of
17 the prior year total annual average enrollment that qualifies for
18 free or reduced-price meals equals or exceeds 50 percent or more of
19 its total annual average enrollment. A school continues to meet the
20 definition of a qualifying school if the school: Participates in the
21 United States department of agriculture's community eligibility
22 provision; and met the definition of a qualifying school in the year
23 immediately preceding their participation. The minimum allocation for
24 this additional high poverty-based allocation must provide for each
25 level of prototypical school resources to provide, on a statewide
26 average, 1.1 hours per week in extra instruction with a class size of
27 15 learning assistance program students per teacher, under RCW
28 28A.165.055, school districts must distribute the high poverty-based
29 allocation to the schools that generated the funding allocation.

30 (iii) For the 2024-25 and 2025-26 school years, allocations under
31 (a)(i) of this subsection for school districts providing meals at no
32 charge to students under RCW 28A.235.135 that are not participating,
33 in whole or in part, in the United States department of agriculture's
34 community eligibility provision shall be based on the school district
35 percentage of students in grades K-12 who were eligible for free or
36 reduced-price meals in school years 2019-20 through 2022-23 or the
37 prior school year, whichever is greatest.

38 (iv) For the 2024-25 and 2025-26 school years, a school providing
39 meals at no charge to students under RCW 28A.235.135 that is not
40 participating in the department of agriculture's community

1 eligibility provision continues to meet the definition of a
2 qualifying school under (a)(ii) of this subsection if the school met
3 the definition during one year of the 2019-20 through 2022-23 school
4 years, or in the prior school year.

5 (b)(i) To provide supplemental instruction and services for
6 students whose primary language is other than English, allocations
7 shall be based on the head count number of students in each school
8 who are eligible for and enrolled in the transitional bilingual
9 instruction program under RCW 28A.180.010 through 28A.180.080. The
10 minimum allocation for each level of prototypical school shall
11 provide resources to provide, on a statewide average, 4.7780 hours
12 per week in extra instruction for students in grades kindergarten
13 through six and 6.7780 hours per week in extra instruction for
14 students in grades seven through 12, with 15 transitional bilingual
15 instruction program students per teacher. Notwithstanding other
16 provisions of this subsection (10), the actual per-student allocation
17 may be scaled to provide a larger allocation for students needing
18 more intensive intervention and a commensurate reduced allocation for
19 students needing less intensive intervention, as detailed in the
20 omnibus appropriations act.

21 (ii) To provide supplemental instruction and services for
22 students who have exited the transitional bilingual program,
23 allocations shall be based on the head count number of students in
24 each school who have exited the transitional bilingual program within
25 the previous two years based on their performance on the English
26 proficiency assessment and are eligible for and enrolled in the
27 transitional bilingual instruction program under RCW
28 28A.180.040(1)(g). The minimum allocation for each prototypical
29 school shall provide resources to provide, on a statewide average,
30 3.0 hours per week in extra instruction with 15 exited students per
31 teacher.

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

39 (11) The allocations under subsections (4)(a), (5), (6), and (8)
40 of this section shall be enhanced as provided under RCW 28A.150.390

1 on an excess cost basis to provide supplemental instructional
2 resources for students with disabilities.

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

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

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

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

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

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

38 NEW SECTION. **Sec. 2.** (1)(a) In addition to allocations provided
39 under RCW 28A.150.260(5)(a), the superintendent of public instruction

1 must allocate funding equivalent to the following classified staff
 2 units per prototypical school each year from the 2024-25 to 2026-27
 3 school year, subject to (b) of this subsection, to address learning
 4 loss. Allocations under this section are provided solely for tutoring
 5 programs that use certificated staff, paraeducators, and trained
 6 volunteers to provide ongoing tutoring at least several times a week
 7 in small groups using structured curricula.

	Elementary	Middle	High School
	School	School	
10 Classified staff addressing learning loss.....	2.000	2.000	2.000

11 (b) In order to receive allocations under this section in the
 12 2026-27 school year, a school district, charter school, or state-
 13 tribal compact school must show an increase in the percentage of
 14 students meeting the standards on the state math assessment or state
 15 English language arts assessment from the 2024-25 to 2025-26 school
 16 year in at least one of the groups listed in this subsection (1)(b).
 17 The office of the superintendent of public instruction must develop
 18 rules to implement this subsection (1)(b). Groups include:

- 19 (i) All students;
 - 20 (ii) Low-income students; and
 - 21 (iii) Student groups disproportionately impacted by the COVID-19
 22 pandemic.
- 23 (2) Allocations under this section are not part of the state's
 24 statutory program of basic education.
- 25 (3) This section expires August 31, 2027.

26 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect
 27 September 1, 2024.

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