
SENATE BILL 5582

State of Washington

68th Legislature

2023 Regular Session

By Senators Holy, Randall, Rivers, Robinson, Dozier, King, Conway, Shewmake, Padden, Lovick, Gildon, Muzzall, Lovelett, Mullet, Nobles, Saldaña, Valdez, Van De Wege, Wellman, C. Wilson, and L. Wilson

Read first time 01/26/23. Referred to Committee on Higher Education & Workforce Development.

1 AN ACT Relating to reducing barriers and expanding educational
2 opportunities to increase the supply of nurses in Washington;
3 amending RCW 18.79.150, 18.79.110, 28A.150.260, and 28A.150.260;
4 adding new sections to chapter 28B.50 RCW; adding new sections to
5 chapter 28C.18 RCW; adding a new section to chapter 43.60A RCW;
6 adding a new section to chapter 43.70 RCW; adding a new section to
7 chapter 28A.700 RCW; adding a new section to chapter 18.79 RCW;
8 creating new sections; providing an effective date; and providing
9 expiration dates.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that nurses are
12 essential to the operation of the state's health care system.
13 Further, the legislature finds that the gap between demand for nurses
14 and an available workforce continues to widen. Nursing professions
15 continue to rank among the highest demand occupations in the state
16 with the number of unfilled openings ranking near the top of all
17 professional categories each month. The legislature finds that the
18 need for nurses is particularly acute in rural hospital and clinical
19 settings as well as long-term care facilities. Further, the
20 legislature finds that there is a need to expand nursing credential
21 opportunities through the expansion of existing postsecondary

1 programs, the provision of adequate compensation for nurse educators,
2 the creation of new and innovative approaches to health care
3 credentials, the creation and expansion of proven pathways to health
4 care careers within the K-12 system, and the streamlining of
5 administrative requirements in the approval of new, high quality
6 nursing education opportunities.

7 **I. EXPAND NURSING CREDENTIAL OPPORTUNITIES**

8 NEW SECTION. **Sec. 2.** (1) The legislature intends to increase
9 access to nursing education programs at the community and technical
10 colleges. The appropriations in this section are provided to the
11 state board for community and technical colleges and are subject to
12 the following conditions and limitations: \$100,000 of the general
13 fund—state appropriation for fiscal year 2024 is provided solely for
14 the state board for community and technical colleges to develop a
15 plan to train more nurses over the next four years. The plan must
16 place particular emphasis on training health professionals in key
17 shortage areas, including rural communities. In designing a plan, the
18 state board must prioritize expanding existing programs or creating
19 new ones which:

20 (a) Create new capacity to train licensed practical nurses and
21 registered nurses through certificate programs, associates degrees in
22 nursing, and baccalaureate degrees in nursing;

23 (b) Expand training opportunities for rural and underserved
24 students; and

25 (c) Demonstrate or are expected to demonstrate long-term
26 sustainability.

27 (2) The state board for community and technical colleges shall
28 submit a report, in accordance with RCW 43.01.036, to the appropriate
29 committees of the legislature by December 1, 2024, with the details
30 of the plan to increase capacity in nursing education programs.

31 (3) This section expires August 1, 2025.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.50
33 RCW to read as follows:

34 Subject to amounts appropriated specifically for this purpose,
35 the community and technical colleges shall design an online
36 curriculum and pathway to earn a licensed practical nursing
37 credential. The curriculum may include use of a mobile skills lab or

1 other innovative approaches to ensure access to training
2 opportunities for rural students.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 28C.18
4 RCW to read as follows:

5 (1) The home care aid to licensed practical nurse apprenticeship
6 pathway pilot program is created. The board, nursing care quality
7 assurance commission, and the department of labor and industries
8 shall jointly administer the pilot program. The legislature intends
9 to pilot the program across three geographically disparate sites
10 during the 2023-2025 fiscal biennium. The board, along with the
11 nursing care quality assurance commission, and the department of
12 labor and industries shall submit a report, in accordance with RCW
13 43.01.036, to the appropriate committees of the legislature by
14 December 1, 2025, of the status of the pilot program and policy
15 options to scale up the licensed practical nurse apprenticeship
16 pathway pilot program statewide.

17 (2) This section expires July 1, 2026.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.50
19 RCW to read as follows:

20 Subject to amounts appropriated specifically for this purpose,
21 the community and technical colleges shall guarantee admission to
22 nursing programs for students participating in the home care aid to
23 licensed practical nurse apprenticeship pathway program created under
24 section 3 of this act.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 28C.18
26 RCW to read as follows:

27 Subject to amounts appropriated specifically for this purpose,
28 the workforce training and education coordinating board shall
29 contract with a firm that has expertise in public relations and
30 marketing to develop and execute a marketing plan about available
31 training opportunities and jobs for certified nursing assistants,
32 licensed practical nurses, licensed vocational nurses, and related
33 nursing professions. The marketing plan must include targeted
34 outreach to serve workforce needs in rural and underserved
35 communities as well as long-term care facilities.

1 NEW SECTION. **Sec. 7.** The office of financial management shall
2 conduct a salary survey on nurse educator compensation, which must be
3 conducted through a contract with a firm that has expertise in human
4 resources consulting and health care. The salary survey must
5 benchmark the 50th percentile of compensation for similarly
6 credentialed nurse educators in the state. The office of financial
7 management shall submit a report, in accordance with RCW 43.01.036,
8 to the appropriate committees of the legislature by December 1, 2024.

9 (2) This section expires August 1, 2025.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.60A
11 RCW to read as follows:

12 The department faces a shortage of nursing assistant certified
13 staff. To address the shortage, the department shall design and enact
14 a nursing assistant certified training and recruitment program to
15 serve the state veterans' homes. The training program must design a
16 recruitment program to conduct outreach to individuals from
17 marginalized communities about available jobs and training
18 opportunities. Further, the department must design a training program
19 that is cost-effective for students and meets the unique needs of the
20 populations the states' veterans' homes serve.

21 **II. ELIMINATE BOTTLENECKS IN NURSE TRAINING**

22 **Sec. 9.** RCW 18.79.150 and 1994 sp.s. c 9 s 415 are each amended
23 to read as follows:

24 An institution desiring to conduct a school of registered nursing
25 or a school or program of practical nursing, or both, shall apply to
26 the commission and submit evidence satisfactory to the commission
27 that:

28 (1) It is prepared to carry out the curriculum approved by the
29 commission for basic registered nursing or practical nursing, or
30 both; and

31 (2) It is prepared to meet other standards established by law and
32 by the commission.

33 The commission shall make, or cause to be made, such surveys of
34 the schools and programs, and of institutions and agencies to be used
35 by the schools and programs, as it determines are necessary. If in
36 the opinion of the commission, the requirements for an approved
37 school of registered nursing or a school or program of practical

1 nursing, or both, are met, the commission shall approve the school or
2 program. The nursing commission may grant approval to baccalaureate
3 nursing education programs where the nurse administrator holds a
4 graduate degree with a major in nursing and has sufficient experience
5 as a registered nurse but does not hold a doctoral degree.

6 **Sec. 10.** RCW 18.79.110 and 2013 c 229 s 1 are each amended to
7 read as follows:

8 (1) The commission shall keep a record of all of its proceedings
9 and make such reports to the governor as may be required. The
10 commission shall define by rules what constitutes specialized and
11 advanced levels of nursing practice as recognized by the medical and
12 nursing profession. The commission may adopt rules or issue advisory
13 opinions in response to questions put to it by professional health
14 associations, nursing practitioners, and consumers in this state
15 concerning the authority of various categories of nursing
16 practitioners to perform particular acts.

17 (2) The commission shall approve curricula and shall establish
18 criteria for minimum standards for schools preparing persons for
19 licensing as registered nurses, advanced registered nurse
20 practitioners, and licensed practical nurses under this chapter. The
21 commission shall approve such schools of nursing as meet the
22 requirements of this chapter and the commission, and the commission
23 shall approve establishment of basic nursing education programs and
24 shall establish criteria as to the need for and the size of a program
25 and the type of program and the geographical location. The commission
26 shall establish criteria for proof of reasonable currency of
27 knowledge and skill as a basis for safe practice after three years'
28 inactive or lapsed status. The commission shall establish criteria
29 for licensing by endorsement. In establishing criteria for licensing
30 by endorsement, the commission shall adopt rules which allow for one
31 hour of simulated learning to be counted as equivalent to two hours
32 of clinical placement learning. The commission shall determine
33 examination requirements for applicants for licensing as registered
34 nurses, advanced registered nurse practitioners, and licensed
35 practical nurses under this chapter, and shall certify to the
36 secretary for licensing duly qualified applicants.

37 (3) The commission shall adopt rules on continuing competency.
38 The rules must include exemptions from the continuing competency
39 requirements for registered nurses seeking advanced nursing degrees.

1 Nothing in this subsection prohibits the commission from providing
2 additional exemptions for any person credentialed under this chapter
3 who is enrolled in an advanced education program.

4 (4) The commission shall adopt such rules under chapter 34.05 RCW
5 as are necessary to fulfill the purposes of this chapter.

6 (5) The commission is the successor in interest of the board of
7 nursing and the board of practical nursing. All contracts,
8 undertakings, agreements, rules, regulations, decisions, orders, and
9 policies of the former board of nursing or the board of practical
10 nursing continue in full force and effect under the commission until
11 the commission amends or rescinds those rules, regulations,
12 decisions, orders, or policies.

13 (6) The members of the commission are immune from suit in an
14 action, civil or criminal, based on its disciplinary proceedings or
15 other official acts performed in good faith as members of the
16 commission.

17 (7) Whenever the workload of the commission requires, the
18 commission may request that the secretary appoint pro tempore members
19 of the commission. When serving, pro tempore members of the
20 commission have all of the powers, duties, and immunities, and are
21 entitled to all of the emoluments, including travel expenses, of
22 regularly appointed members of the commission.

23 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.70
24 RCW to read as follows:

25 (1) The legislature intends to expand the student nurse preceptor
26 grant program to help reduce the shortage of health care training
27 settings for students and increase the numbers of nurses in the
28 workforce. The appropriations in this section are provided to the
29 nursing care quality assurance commission and are subject to the
30 following conditions and limitations: \$6,000,000 of the general fund—
31 state appropriation for fiscal year 2024 and \$6,000,000 of the
32 general fund—state appropriation for fiscal year 2025 is provided
33 solely for the grant program for student nurse preceptorships.

34 (2)(a) The intent of the program is to provide incentive pay for
35 individuals serving as clinical supervisors to nursing candidates
36 with a focus on acute shortage areas including those in rural and
37 underserved communities and long-term care facilities. The desired
38 outcomes of the program include increased clinical opportunities for
39 nursing students.

1 (b) The department shall submit a report, in accordance with RCW
2 43.01.036, to the office of financial management and the appropriate
3 committees of the legislature by September 30, 2025, on the outcomes
4 of the program. The report must include:

5 (i) A description of the mechanism for incentivizing supervisor
6 pay and other strategies;

7 (ii) The number of supervisors that received bonus pay and the
8 number of sites used;

9 (iii) The number of students that received supervision at each
10 site;

11 (iv) The number of supervision hours provided at each site;

12 (v) Initial reporting on the number of students who received
13 supervision through the programs that moved into a permanent position
14 with the program at the end of their supervision; and

15 (vi) Recommendations to scale up the program or otherwise recruit
16 nurse preceptors in shortage areas.

17 **III. GROW K-12 PATHWAYS INTO HEALTH CARE CREDENTIALS**

18 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.700
19 RCW to read as follows:

20 (1) Subject to the availability of amounts appropriated for this
21 specific purpose, the office of the superintendent of public
22 instruction shall establish and administer a grant program for the
23 purpose of supporting high school career and technical education
24 programs in starting or expanding offerings in health science
25 programs.

26 (2) Grants must be awarded through a competitive grant process
27 administered by the office of the superintendent of public
28 instruction. In developing award criteria, the office of the
29 superintendent of public instruction must consult with the workforce
30 training and education coordinating board and the Washington state
31 apprenticeship and training council.

32 (3) Grant funds may be allocated on a one-time or ongoing basis
33 dependent on the needs of the program and may be used to purchase or
34 improve curriculum, add additional staff, upgrade technology and
35 equipment to meet industry standards, and for other purposes intended
36 to initiate a new health science program or improve the rigor and
37 quality of an existing health science program.

1 (4) Programs receiving funds under this section must meet the
2 minimum criteria for preparatory secondary career and technical
3 education programs under RCW 28A.700.030.

4 NEW SECTION. **Sec. 13.** A new section is added to chapter 18.79
5 RCW to read as follows:

6 (1) The commission, in collaboration with rural hospitals,
7 nursing assistant-certified training programs, the department of
8 health, and the department of labor and industries, shall establish
9 at least two pilot projects for rural hospitals to utilize high
10 school students who are training to become nursing assistant-
11 certified or high school students who are nursing assistant-certified
12 to help address the workforce shortages and promote nursing careers
13 in rural hospitals. As part of the program, students must receive
14 information about related careers and educational and training
15 opportunities including certified medical assistants, licensed
16 practical nurses, and registered nurses.

17 (2) At least one of the rural hospitals participating in the
18 pilot projects must be east of the crest of the Cascade mountains and
19 at least one of the rural hospitals participating in the pilot
20 projects must be west of the crest of the Cascade mountains.

21 (3) The pilot projects shall prioritize using the nursing
22 assistant-certified high school students to their full scope of
23 practice and identify any barriers to doing this.

24 (4) The commission may contract with a nursing consultant and a
25 health services consultant to assist with establishing and supporting
26 the pilot project, including identifying participants, coordinating
27 with the groups and agencies as referenced in subsection (1) of this
28 section and other stakeholders, and preparing reports to the
29 legislature.

30 (5) The commission shall submit a report, in accordance with RCW
31 43.01.036, to the health care committees of the legislature by
32 December 1, 2024, and December 1, 2025, with the status of the pilot
33 projects and any findings and recommendations.

34 (6) This section expires July 1, 2026.

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

37 The purpose of this section is to provide for the allocation of
38 state funding that the legislature deems necessary to support school

1 districts in offering the minimum instructional program of basic
2 education under RCW 28A.150.220. The allocation shall be determined
3 as follows:

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

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

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

33 (3)(a) To the extent the technical details of the formula have
34 been adopted by the legislature and except when specifically provided
35 as a school district allocation, the distribution formula for the
36 basic education instructional allocation shall be based on minimum
37 staffing and nonstaff costs the legislature deems necessary to
38 support instruction and operations in prototypical schools serving
39 high, middle, and elementary school students as provided in this
40 section. The use of prototypical schools for the distribution formula

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

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

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

20 (ii) A prototypical middle school has (~~four hundred thirty-two~~)
 21 432 average annual full-time equivalent students in grades seven and
 22 eight; and

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

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

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

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

10		Laboratory science	
11		average class size	
12	Grades 9-12.		19.98

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

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

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

23		Career and technical	
24		education average	
25		class size	
26	Approved career and technical education offered at		
27	the middle school and high school level.		23.00
28	Skill center programs meeting the standards established		
29	by the office of the superintendent of public		
30	instruction.	(19.00)	<u>16.00</u>

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

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

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

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

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

	Elementary School	Middle School	High School
6 Principals, assistant principals, and other certificated building-level			
7 administrators.....	1.253	1.353	1.880
8 Teacher-librarians, a function that includes information literacy, technology,			
9 and media to support school library media programs.....	0.663	0.519	0.523
10 Teaching assistance, including any aspect of educational instructional services			
11 provided by classified employees.....	0.936	0.700	0.652
12 Office support and other noninstructional aides.....	2.012	2.325	3.269
13 Custodians.....	1.657	1.942	2.965
14 Nurses.....	0.246	0.336	0.339
15 Social workers.....	0.132	0.033	0.052
16 Psychologists.....	0.046	0.009	0.021
17 Counselors.....	0.660	1.383	2.706
18 Classified staff providing student and staff safety.....	0.079	0.092	0.141
19 Parent involvement coordinators.....	0.0825	0.00	0.00

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

(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:

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

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per (~~one thousand~~) 1,000 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
4	
5	
6	
7 Technology.	\$130.76
8 Utilities and insurance.	\$355.30
9 Curriculum and textbooks.	\$140.39
10 Other supplies	\$278.05
11 Library materials.	\$20.00
12 Instructional professional development for certificated and	
13 classified staff.	\$21.71
14 Facilities maintenance.	\$176.01
15 Security and central office administration.	\$121.94

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

	Per annual average full-time equivalent student in grades 9-12
22	
23	
24	
25 Technology.	\$36.35
26 Curriculum and textbooks.	\$39.02
27 Other supplies	\$77.28
28 Library materials.	\$5.56
29 Instructional professional development for certificated and	
30 classified staff.	\$6.04

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

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

1 (b) Preparatory career and technical education courses for
2 students in grades nine through (~~twelve~~) 12 offered in a high
3 school; and

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

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

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

25 (ii) In addition to funding allocated under (a)(i) of this
26 subsection, to provide supplemental instruction and services for
27 students who are not meeting academic standards in qualifying
28 schools. A qualifying school means a school in which the three-year
29 rolling average of the prior year total annual average enrollment
30 that qualifies for free or reduced-price meals equals or exceeds
31 (~~fifty~~) 50 percent or more of its total annual average enrollment.
32 A school continues to meet the definition of a qualifying school if
33 the school: Participates in the United States department of
34 agriculture's community eligibility provision; and met the definition
35 of a qualifying school in the year immediately preceding their
36 participation. The minimum allocation for this additional high
37 poverty-based allocation must provide for each level of prototypical
38 school resources to provide, on a statewide average, 1.1 hours per
39 week in extra instruction with a class size of (~~fifteen~~) 15
40 learning assistance program students per teacher, under RCW

1 28A.165.055, school districts must distribute the high poverty-based
2 allocation to the schools that generated the funding allocation.

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

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

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

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

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

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

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

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

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

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

36 **Sec. 15.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to
37 read as follows:

38 The purpose of this section is to provide for the allocation of
39 state funding that the legislature deems necessary to support school

1 districts in offering the minimum instructional program of basic
2 education under RCW 28A.150.220. The allocation shall be determined
3 as follows:

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

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

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

33 (3)(a) To the extent the technical details of the formula have
34 been adopted by the legislature and except when specifically provided
35 as a school district allocation, the distribution formula for the
36 basic education instructional allocation shall be based on minimum
37 staffing and nonstaff costs the legislature deems necessary to
38 support instruction and operations in prototypical schools serving
39 high, middle, and elementary school students as provided in this
40 section. The use of prototypical schools for the distribution formula

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

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

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

20 (ii) A prototypical middle school has (~~four hundred thirty two~~)
 21 432 average annual full-time equivalent students in grades seven and
 22 eight; and

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

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

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

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

10		Laboratory science	
11		average class size	
12	Grades 9-12.		19.98

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

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

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

23		Career and technical	
24		education average	
25		class size	
26	Approved career and technical education offered at		
27	the middle school and high school level.		23.00
28	Skill center programs meeting the standards established		
29	by the office of the superintendent of public		
30	instruction.		(19.00) <u>16.00</u>

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

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

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

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

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

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

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

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

35 (iii) For the purposes of this subsection (5) (b), "physical,
36 social, and emotional support staff" include nurses, social workers,

1 psychologists, counselors, classified staff providing student and
 2 staff safety, parent involvement coordinators, and other school
 3 district employees and contractors who provide physical, social, and
 4 emotional support to students as defined by the superintendent.

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

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

12
 13
 14 (b) The minimum allocation of staff units for each school
 15 district to support certificated and classified staffing of central
 16 administration shall be 5.30 percent of the staff units generated
 17 under subsections (4)(a) and (5) of this section and (a) of this
 18 subsection.

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

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

	Per annual average full-time equivalent student in grades K-12
29 Technology.	\$130.76
30 Utilities and insurance.	\$355.30
31 Curriculum and textbooks.	\$140.39
32 Other supplies	\$278.05
33 Library materials.	\$20.00
34 Instructional professional development for certificated and 35 classified staff.	\$21.71
36 Facilities maintenance.	\$176.01

1 Security and central office administration. \$121.94

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

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

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

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

20 (b) Preparatory career and technical education courses for
21 students in grades nine through ((~~twelve~~)) 12 offered in a high
22 school; and

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

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

29 (a)(i) To provide supplemental instruction and services for
30 students who are not meeting academic standards through the learning
31 assistance program under RCW 28A.165.005 through 28A.165.065,
32 allocations shall be based on the greater of either: The district
33 percentage of students in kindergarten through grade ((~~twelve~~)) 12
34 who were eligible for free or reduced-price meals for the school year
35 immediately preceding the district's participation, in whole or part,
36 in the United States department of agriculture's community
37
38
39

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)~~) 15 learning assistance program
7 students per 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)~~) 50 percent or more of its total annual average enrollment.
15 A school continues to meet the definition of a qualifying school if
16 the school: Participates in the United States department of
17 agriculture's community eligibility provision; and met the definition
18 of a 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)~~) 15
23 learning assistance program students per teacher, under RCW
24 28A.165.055, school districts must distribute the high poverty-based
25 allocation to 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)~~) 12, with (~~(fifteen)~~) 15
36 transitional bilingual instruction program students per teacher.
37 Notwithstanding other provisions of this subsection (10), the actual
38 per-student allocation may be scaled to provide a larger allocation
39 for students needing more intensive intervention and a commensurate

1 reduced allocation for students needing less intensive intervention,
2 as 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)~~) 15 exited
13 students 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)~~) 15 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.

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

5 (c) The enrollment of any district shall be the annual average
6 number of full-time equivalent students and part-time students as
7 provided in RCW 28A.150.350, enrolled on the first school day of each
8 month, including students who are in attendance pursuant to RCW
9 28A.335.160 and 28A.225.250 who do not reside within the servicing
10 school district. The definition of full-time equivalent student shall
11 be determined by rules of the superintendent of public instruction
12 and shall be included as part of the superintendent's biennial budget
13 request. The definition shall be based on the minimum instructional
14 hour offerings required under RCW 28A.150.220. Any revision of the
15 present definition shall not take effect until approved by the house
16 ways and means committee and the senate ways and means committee.

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

20 NEW SECTION. **Sec. 16.** Section 14 of this act expires September
21 1, 2024.

22 NEW SECTION. **Sec. 17.** Section 15 of this act takes effect
23 September 1, 2024.

--- END ---