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**SENATE BILL 6253**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Nobles, Mullet, Frame, Hasegawa, Kuderer, Lovelett, Stanford, Trudeau, and C. Wilson

Read first time 01/17/24. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to increasing funding for the learning assistance  
2 program; amending RCW 28A.150.260; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	Elementary School	Middle School	High School
24 Principals, assistant principals, and other certificated building-level			
25 administrators. . . . .	1.253	1.353	1.880
26 Teacher-librarians, a function that includes information literacy, technology,			
27 and media to support school library media programs. . . . .	0.663	0.519	0.523
28 Teaching assistance, including any aspect of educational instructional services			
29 provided by classified employees. . . . .	0.936	0.700	0.652
30 Office support and other noninstructional aides. . . . .	2.012	2.325	3.269
31 Custodians. . . . .	1.657	1.942	2.965
32 Nurses. . . . .	0.585	0.888	0.824

1	Social workers.....	0.311	0.088	0.127
2	Psychologists.....	0.104	0.024	0.049
3	Counselors.....	0.993	1.716	3.039
4	Classified staff providing student and staff safety.....	0.079	0.092	0.141
5	Parent involvement coordinators.....	0.0825	0.00	0.00

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

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

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

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

29		Staff per 1,000
30		K-12 students
31	Technology. . . . .	0.628
32	Facilities, maintenance, and grounds. . . . .	1.813
33	Warehouse, laborers, and mechanics. . . . .	0.332

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

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

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

	Per annual average full-time equivalent student in grades K-12
14 Technology. . . . .	\$130.76
15 Utilities and insurance. . . . .	\$355.30
16 Curriculum and textbooks. . . . .	\$140.39
17 Other supplies . . . . .	\$278.05
18 Library materials. . . . .	\$20.00
19 Instructional professional development for certificated and 20 classified staff. . . . .	\$21.71
21 Facilities maintenance. . . . .	\$176.01
22 Security and central office administration. . . . .	\$121.94

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

	Per annual average full-time equivalent student in grades 9-12
32 Technology. . . . .	\$36.35
33 Curriculum and textbooks. . . . .	\$39.02
34 Other supplies . . . . .	\$77.28
35 Library materials. . . . .	\$5.56
36 Instructional professional development for certificated and 37 classified staff. . . . .	\$6.04

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

5 (a) Exploratory career and technical education courses for  
6 students in grades seven through 12;

7 (b) Preparatory career and technical education courses for  
8 students in grades nine through 12 offered in a high school; and

9 (c) Preparatory career and technical education courses for  
10 students in grades 11 and 12 offered through a skill center.

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

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

29 (ii) In addition to funding allocated under (a)(i) of this  
30 subsection, to provide supplemental instruction and services for  
31 students who are not meeting academic standards in qualifying  
32 schools. A qualifying school, except as provided in (a)(iv) of this  
33 subsection, means a school in which the three-year rolling average of  
34 the prior year total annual average enrollment that qualifies for  
35 free or reduced-price meals equals or exceeds 50 percent or more of  
36 its total annual average enrollment. A school continues to meet the  
37 definition of a qualifying school if the school: Participates in the  
38 United States department of agriculture's community eligibility  
39 provision; and met the definition of a qualifying school in the year

1 immediately preceding their participation. The minimum allocation for  
2 this additional high poverty-based allocation must provide for each  
3 level of prototypical school resources to provide, on a statewide  
4 average, (~~1.1~~) 2.2 hours per week in extra instruction with a class  
5 size of 15 learning assistance program students per teacher, under  
6 RCW 28A.165.055, school districts must distribute the high poverty-  
7 based allocation to the schools that generated the funding  
8 allocation.

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

17 (iv) For the 2024-25 and 2025-26 school years, a school providing  
18 meals at no charge to students under RCW 28A.235.135 that is not  
19 participating in the department of agriculture's community  
20 eligibility provision continues to meet the definition of a  
21 qualifying school under (a)(ii) of this subsection if the school met  
22 the definition during one year of the 2019-20 through 2022-23 school  
23 years, or in the prior school year.

24 (b)(i) To provide supplemental instruction and services for  
25 students whose primary language is other than English, allocations  
26 shall be based on the head count number of students in each school  
27 who are eligible for and enrolled in the transitional bilingual  
28 instruction program under RCW 28A.180.010 through 28A.180.080. The  
29 minimum allocation for each level of prototypical school shall  
30 provide resources to provide, on a statewide average, 4.7780 hours  
31 per week in extra instruction for students in grades kindergarten  
32 through six and 6.7780 hours per week in extra instruction for  
33 students in grades seven through 12, with 15 transitional bilingual  
34 instruction program students per teacher. Notwithstanding other  
35 provisions of this subsection (10), the actual per-student allocation  
36 may be scaled to provide a larger allocation for students needing  
37 more intensive intervention and a commensurate reduced allocation for  
38 students needing less intensive intervention, as detailed in the  
39 omnibus appropriations act.



1 (ii) To provide supplemental instruction and services for  
2 students who have exited the transitional bilingual program,  
3 allocations shall be based on the head count number of students in  
4 each school who have exited the transitional bilingual program within  
5 the previous two years based on their performance on the English  
6 proficiency assessment and are eligible for and enrolled in the  
7 transitional bilingual instruction program under RCW  
8 28A.180.040(1)(g). The minimum allocation for each prototypical  
9 school shall provide resources to provide, on a statewide average,  
10 3.0 hours per week in extra instruction with 15 exited students per  
11 teacher.

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

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

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

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

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

39 (b) In the event the legislature rejects the distribution formula  
40 recommended by the governor, without adopting a new distribution

1 formula, the distribution formula for the previous school year shall  
2 remain in effect.

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

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

18 NEW SECTION. **Sec. 2.** Section 1 of this act takes effect  
19 September 1, 2024.

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