
SENATE BILL 5120

State of Washington

69th Legislature

2025 Regular Session

By Senators Nobles and Riccelli; by request of Superintendent of Public Instruction

Prefiled 12/27/24.

1 AN ACT Relating to expanding the learning assistance program; and
2 reenacting and amending RCW 28A.150.260.

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

4 **Sec. 1.** RCW 28A.150.260 and 2024 c 262 s 2 and 2024 c 191 s 2
5 are each reenacted and amended to 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 (c), (8), and (9) of this section, chapter
18 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
19 regulations, nothing in this section requires school districts to use
20 basic education instructional funds to implement a particular
21 instructional approach or service. Nothing in this section requires

1 school districts to maintain a particular classroom teacher-to-
2 student ratio or other staff-to-student ratio or to use allocated
3 funds to pay for particular types or classifications of staff.
4 Nothing in this section entitles an individual teacher to a
5 particular teacher planning 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		
8		
9		
10	Approved career and technical education offered at	
11	the middle school and high school level.	23.00
12	Skill center programs meeting the standards established	
13	by the office of the superintendent of public	
14	instruction.	19.00

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

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

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

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

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

	Elementary	Middle	High
	School	School	School
27			
28			
29	Principals, assistant principals, and other certificated building-level		
30	administrators.	1.253	1.353
31	Teacher-librarians, a function that includes information literacy, technology,		
32	and media to support school library media programs.	0.663	0.519
33	Paraeducators, including any aspect of educational instructional services		
34	provided by classified employees.	1.012	0.776
35	Office support and other noninstructional aides.	2.088	2.401
36	Custodians.	1.657	1.942
37	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 (c) The superintendent shall develop rules that require school
26 districts to use the additional funding provided under (a) of this
27 subsection to support increased staffing, prevent layoffs, or
28 increase salaries for the following staff types in the 2024-25 school
29 year: Paraeducators, office support, and noninstructional aides. The
30 superintendent shall collect data from school districts on how the
31 increased allocations are used.

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

36		Staff per 1,000
37		K-12 students
38	Technology.	0.628

1	Facilities, maintenance, and grounds.	1.813
2	Warehouse, laborers, and mechanics.	0.332

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

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

12 (8)(a) Except as provided in (b) of this subsection, the minimum
13 allocation for each school district shall include allocations per
14 annual average full-time equivalent student for the following
15 materials, supplies, and operating costs as provided in the 2023-24
16 school year, after which the allocations shall be adjusted annually
17 for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
21 Technology.	\$178.98
22 Utilities and insurance.	\$430.26
23 Curriculum and textbooks.	\$164.48
24 Other supplies	\$326.54
25 Library materials.	\$22.65
26 Instructional professional development for certificated and 27 classified staff.	\$28.94
28 Facilities maintenance.	\$206.22
29 Security and central office administration.	\$146.37

30 (b) In addition to the amounts provided in (a) of this
31 subsection, beginning in the 2023-24 school year, the omnibus
32 appropriations act shall provide the following minimum allocation for
33 each annual average full-time equivalent student in grades nine
34 through 12 for the following materials, supplies, and operating
35 costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
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1	Technology.	\$44.05
2	Curriculum and textbooks.	\$48.06
3	Other supplies	\$94.07
4	Library materials.	\$6.05
5	Instructional professional development for certificated and	
6	classified staff.	\$8.01

7 (c) The increased allocation amount of \$21 per annual average
8 full-time equivalent student for materials, supplies, and operating
9 costs provided under (a) of this subsection is intended to address
10 growing costs in the enumerated categories and may not be expended
11 for any other purpose.

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

- 16 (a) Exploratory career and technical education courses for
17 students in grades seven through 12;
- 18 (b) Preparatory career and technical education courses for
19 students in grades nine through 12 offered in a high school; and
- 20 (c) Preparatory career and technical education courses for
21 students in grades 11 and 12 offered through a skill center.

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

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

1 (ii) In addition to funding allocated under (a)(i) of this
2 subsection, to provide supplemental instruction and services for
3 students who are not meeting academic standards in qualifying
4 schools. ((A))

5 (A) Until the 2026-27 school year, a qualifying school, except as
6 provided in (a)(iv) of this subsection, means a school in which the
7 three-year rolling average of the prior year total annual average
8 enrollment that qualifies for free or reduced-price meals equals or
9 exceeds 50 percent or more of its total annual average enrollment.
10 ~~((A school continues to meet the definition of a qualifying school if~~
11 ~~the school: Participates in the United States department of~~
12 ~~agriculture's community eligibility provision; and met the definition~~
13 ~~of a qualifying school in the year immediately preceding their~~
14 ~~participation.))~~

15 (B) Except as provided in (a)(iv) of this subsection, beginning
16 with the 2026-27 school year, a qualifying school means a school that
17 meets the criteria of one of the following tiers:

18 (I) Tier 1: A school in which the three-year rolling average of
19 the prior year total annual average enrollment that qualifies for
20 free or reduced-price meals is equal to or exceeds 70 percent of its
21 total annual average enrollment;

22 (II) Tier 2: A school in which the three-year rolling average of
23 the prior year total annual average enrollment that qualifies for
24 free or reduced-price meals is between 50 and 69.9 percent of its
25 total annual average enrollment; and

26 (III) Tier 3: A school in which the three-year rolling average of
27 the prior year total annual average enrollment that qualifies for
28 free or reduced-price meals is between 30 and 49.9 percent of its
29 total annual average enrollment.

30 (C) (I) The minimum allocation for this additional high poverty-
31 based allocation must provide for each level of prototypical school
32 resources to provide, on a statewide average, ~~((1.1))~~ 1.6 hours per
33 week in extra instruction with a class size of 15 learning assistance
34 program students per teacher, under RCW 28A.165.055, school districts
35 must distribute the high poverty-based allocation to the schools that
36 generated the funding allocation.

37 (II) Beginning in the 2026-27 school year, the allocations
38 outlined in this subsection (10)(a)(ii)(C) shall be based on the
39 eligibility tiers in (a)(ii)(B) of this subsection as follows:

40 (1) Tier 1 schools shall be allocated 2.2 hours per week;

1 (2) Tier 2 schools shall be allocated 1.6 hours per week; and

2 (3) Tier 3 schools shall be allocated 0.4 hours per week.

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

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

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

37 (ii) To provide supplemental instruction and services for
38 students who have exited the transitional bilingual program,
39 allocations shall be based on the head count number of students in
40 each school who have exited the transitional bilingual program within

1 the previous two years based on their performance on the English
2 proficiency assessment and are eligible for and enrolled in the
3 transitional bilingual instruction program under RCW
4 28A.180.040(1)(g). The minimum allocation for each prototypical
5 school shall provide resources to provide, on a statewide average,
6 3.0 hours per week in extra instruction with 15 exited students per
7 teacher.

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

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

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

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

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

35 (b) In the event the legislature rejects the distribution formula
36 recommended by the governor, without adopting a new distribution
37 formula, the distribution formula for the previous school year shall
38 remain in effect.

39 (c) The enrollment of any district shall be the annual average
40 number of full-time equivalent students and part-time students as

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

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

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