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**ENGROSSED SUBSTITUTE HOUSE BILL 2660**

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AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Education (originally sponsored by Representatives Riccelli, Harris, Santos, Shewmake, Leavitt, Steele, Stonier, Hudgins, Senn, Gregerson, Doglio, Peterson, Thai, Rude, Valdez, Chapman, Bergquist, Goodman, Callan, Tharinger, Maycumber, Pollet, Davis, Kretz, and Macri)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to increasing the availability of school meals  
2 provided to public school students at no student cost; amending RCW  
3 28A.235.290, 28A.150.260, and 28A.405.415; adding a new section to  
4 chapter 28A.235 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
7 hunger-free schools act.

8 **Sec. 2.** RCW 28A.235.290 and 2019 c 208 s 2 are each amended to  
9 read as follows:

10 (1) The office of the superintendent of public instruction shall  
11 develop and implement a plan to increase the number of schools  
12 participating in the United States department of agriculture  
13 community eligibility provision for the 2018-19 school year and  
14 subsequent years. The office shall work jointly with community-based  
15 organizations and national experts focused on hunger and nutrition  
16 and familiar with the community eligibility provision, at least two  
17 school representatives who have successfully implemented community  
18 eligibility, and the state agency responsible for medicaid direct  
19 certification. The plan must describe how the office of the  
20 superintendent of public instruction will:

1 (a) Identify and recruit eligible schools to implement the  
2 community eligibility provision, with the goal of increasing the  
3 participation rate of eligible schools to at least the national  
4 average;

5 (b) Provide comprehensive outreach and technical assistance to  
6 school districts and schools to implement the community eligibility  
7 provision;

8 (c) Support breakfast after the bell programs authorized by the  
9 legislature to adopt the community eligibility provision;

10 (d) Work with school districts to group schools in order to  
11 maximize the number of schools implementing the community eligibility  
12 provision; and

13 (e) Determine the maximum percentage of students eligible for  
14 free meals where participation in the community eligibility provision  
15 provides the most support for a school, school district, or group of  
16 schools.

17 (2) Until June 30, (~~2019~~) 2021, the office of the  
18 superintendent of public instruction shall convene the organizations  
19 working jointly on the plan monthly to report on the status of the  
20 plan and coordinate outreach and technical assistance efforts to  
21 schools and school districts. In completing the duties required by  
22 this subsection (2), the office of the superintendent of public  
23 instruction and the organizations working jointly on the plan shall  
24 also, by December 1, 2020, examine the impacts to schools and  
25 districts that can result from participation in the community  
26 eligibility provision and identify approaches to addressing those  
27 impacts.

28 (3) Beginning in 2018, the office of the superintendent of public  
29 instruction shall report annually the number of schools that have  
30 implemented the community eligibility provision to the legislature by  
31 December 1st of each year. The report shall identify:

32 (a) Any barriers to implementation;

33 (b) Recommendations on policy and legislative solutions to  
34 overcome barriers to implementation;

35 (c) Reasons potentially eligible schools and school districts  
36 decide not to adopt the community eligibility provision; and

37 (d) Approaches in other states to adopting the community  
38 eligibility provision.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 28A.235

2    RCW to read as follows:

3        (1) Except as provided otherwise by this section, each school  
4    with students in or below grade eight that has an identified student  
5    percentage of at least sixty-two and one-half percent, as determined  
6    annually by April 1st, must participate in the United States  
7    department of agriculture's community eligibility provision in the  
8    subsequent school year and throughout the duration of the community  
9    eligibility provision's four-year cycle.

10       (2) Schools that, through an arrangement with a local entity,  
11    provide meals to all students and at no costs to the students are  
12    exempt from the requirements of this section.

13       (3) For the purposes of this section, "identified student" means  
14    a student who is directly certified for free school meals based on  
15    the student's participation in other means-tested assistance  
16    programs, and students who are categorically eligible for free school  
17    meals without an application and not subject to income verification.

18       **Sec. 4.**    RCW 28A.150.260 and 2018 c 266 s 101 are each amended to  
19    read as follows:

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

25       (1) The governor shall and the superintendent of public  
26    instruction may recommend to the legislature a formula for the  
27    distribution of a basic education instructional allocation for each  
28    common school district.

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

1 entitles an individual teacher to a particular teacher planning  
2 period.

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

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

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

(iii) A prototypical elementary school has four hundred 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 twelve 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,

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

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

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

	Career and technical education average class size
9 Approved career and technical education offered at 10 the middle school and high school level. . . . .	23.00
11 Skill center programs meeting the standards established 12 by the office of the superintendent of public 13 instruction. . . . .	20.00

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

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

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

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

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

	Elementary School	Middle School	High School
26 Principals, assistant principals, and other certificated building-level 27 administrators. . . . .	1.253	1.353	1.880
28 Teacher-librarians, a function that includes information literacy, technology, 29 and media to support school library media programs. . . . .	0.663	0.519	0.523
30 Health and social services:			
31 School nurses. . . . .	0.076	0.060	0.096
32 Social workers. . . . .	0.042	0.006	0.015

1	Psychologists.....	0.017	0.002	0.007
2	Guidance counselors, a function that includes parent outreach and graduation			
3	advising.....	0.493	1.216	2.539
4	Teaching assistance, including any aspect of educational instructional services			
5	provided by classified employees.....	0.936	0.700	0.652
6	Office support and other noninstructional aides.....	2.012	2.325	3.269
7	Custodians.....	1.657	1.942	2.965
8	Classified staff providing student and staff safety.....	0.079	0.092	0.141
9	Parent involvement coordinators.....	0.0825	0.00	0.00

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

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

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

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

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

34		Per annual average
35		full-time equivalent student
36		in grades K-12

1	Technology. . . . .	\$130.76
2	Utilities and insurance. . . . .	\$355.30
3	Curriculum and textbooks. . . . .	\$140.39
4	Other supplies . . . . .	\$278.05
5	Library materials. . . . .	\$20.00
6	Instructional professional development for certificated and	
7	classified staff. . . . .	\$21.71
8	Facilities maintenance. . . . .	\$176.01
9	Security and central office administration. . . . .	\$121.94

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

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

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

- 29 (a) Exploratory career and technical education courses for
- 30 students in grades seven through twelve;
- 31 (b) Preparatory career and technical education courses for
- 32 students in grades nine through twelve offered in a high school; and
- 33 (c) Preparatory career and technical education courses for
- 34 students in grades eleven and twelve offered through a skill center.

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

- 38 (a) (i) To provide supplemental instruction and services for
- 39 students who are not meeting academic standards through the learning



1 assistance program under RCW 28A.165.005 through 28A.165.065,  
2 allocations shall be based on the greater of either: The district  
3 percentage of students in kindergarten through grade twelve who were  
4 eligible for free or reduced-price meals for the school year  
5 immediately preceding the district's participation, in whole or part,  
6 in the United States department of agriculture's community  
7 eligibility provision, or the district percentage of students in  
8 grades K-12 who were eligible for free or reduced-price meals in the  
9 prior school year. The minimum allocation for the program shall  
10 provide for each level of prototypical school resources to provide,  
11 on a statewide average, 2.3975 hours per week in extra instruction  
12 with a class size of fifteen learning assistance program students per  
13 teacher.

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

32 (b)(i) To provide supplemental instruction and services for  
33 students whose primary language is other than English, allocations  
34 shall be based on the head count number of students in each school  
35 who are eligible for and enrolled in the transitional bilingual  
36 instruction program under RCW 28A.180.010 through 28A.180.080. The  
37 minimum allocation for each level of prototypical school shall  
38 provide resources to provide, on a statewide average, 4.7780 hours  
39 per week in extra instruction for students in grades kindergarten  
40 through six and 6.7780 hours per week in extra instruction for

1 students in grades seven through twelve, with fifteen transitional  
2 bilingual instruction program students per teacher. Notwithstanding  
3 other provisions of this subsection (10), the actual per-student  
4 allocation may be scaled to provide a larger allocation for students  
5 needing more intensive intervention and a commensurate reduced  
6 allocation for students needing less intensive intervention, as  
7 detailed in the omnibus appropriations act.

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

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

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

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

37 (b) Allocations or enhancements provided under subsections (4),  
38 (7), and (9) of this section for exploratory and preparatory career  
39 and technical education courses shall be provided only for courses

1 approved by the office of the superintendent of public instruction  
2 under chapter 28A.700 RCW.

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

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

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

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

26 **Sec. 5.** RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each  
27 amended to read as follows:

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

36 (2)(a) Certificated instructional staff who have attained  
37 certification from the national board for professional teaching  
38 standards shall be eligible for bonuses in addition to that provided  
39 by subsection (1) of this section if the individual is in an

1 instructional assignment in a school in which at least seventy  
2 percent of the students qualify for the free and reduced-price lunch  
3 program.

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

11 (3) The amount of the additional bonus under subsection (2) of  
12 this section for those meeting the qualifications of subsection (2)  
13 of this section is five thousand dollars.

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

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

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