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HOUSE BILL 2719

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Callan, Bergquist, and Thai

1 AN ACT Relating to the use of K-3 class size funding for student  
2 supports; amending RCW 28A.150.260; and adding a new section to  
3 chapter 28A.150 RCW.

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

5 **Sec. 1.** RCW 28A.150.260 and 2018 c 266 s 101 are each amended to  
6 read as follows:

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

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

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

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

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

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

1 allocations shall be further adjusted from the school prototypes with  
2 minimum allocations for small schools and to reflect other factors  
3 identified in the omnibus appropriations act.

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

6 (i) A prototypical high school has six hundred average annual  
7 full-time equivalent students in grades nine through twelve;

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

11 (iii) A prototypical elementary school has four hundred average  
12 annual full-time equivalent students in grades kindergarten through  
13 six.

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

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

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

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

1 (b)(i) Beginning September 1, 2019, funding for average K-3 class  
2 sizes in this subsection (4) may be provided only to the extent of,  
3 and proportionate to, the school district's demonstrated actual class  
4 size in grades K-3, up to the funded class sizes, except for the  
5 2020-21 and 2021-22 school years, funding withheld under this  
6 subsection (4)(b)(i) must be allocated separately to school districts  
7 and may be used solely to support implementation of the Washington  
8 integrated student supports protocol established in RCW 28A.300.139  
9 for students in kindergarten through third grade under section 2 of  
10 this act.

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

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

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

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

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

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

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

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

	Elementary School	Middle School	High School
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1	Principals, assistant principals, and other certificated building-level			
2	administrators. ....	1.253	1.353	1.880
3	Teacher-librarians, a function that includes information literacy, technology,			
4	and media to support school library media programs. ....	0.663	0.519	0.523
5	Health and social services:			
6	School nurses. ....	0.076	0.060	0.096
7	Social workers. ....	0.042	0.006	0.015
8	Psychologists. ....	0.017	0.002	0.007
9	Guidance counselors, a function that includes parent outreach and graduation			
10	advising. ....	0.493	1.216	2.539
11	Teaching assistance, including any aspect of educational instructional services			
12	provided by classified employees. ....	0.936	0.700	0.652
13	Office support and other noninstructional aides. ....	2.012	2.325	3.269
14	Custodians. ....	1.657	1.942	2.965
15	Classified staff providing student and staff safety. ....	0.079	0.092	0.141
16	Parent involvement coordinators. ....	0.0825	0.00	0.00

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

21		Staff per 1,000
22		K-12 students
23	Technology. . . . .	0.628
24	Facilities, maintenance, and grounds. . . . .	1.813
25	Warehouse, laborers, and mechanics. . . . .	0.332

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

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

35       (8) (a) Except as provided in (b) of this subsection, the minimum  
36 allocation for each school district shall include allocations per

1 annual average full-time equivalent student for the following  
2 materials, supplies, and operating costs as provided in the 2017-18  
3 school year, after which the allocations shall be adjusted annually  
4 for inflation as specified in the omnibus appropriations act:

	Per annual average full-time equivalent student in grades K-12
5 Technology. . . . .	\$130.76
6 Utilities and insurance. . . . .	\$355.30
7 Curriculum and textbooks. . . . .	\$140.39
8 Other supplies . . . . .	\$278.05
9 Library materials. . . . .	\$20.00
10 Instructional professional development for certificated and 11 classified staff. . . . .	\$21.71
12 Facilities maintenance. . . . .	\$176.01
13 Security and central office administration. . . . .	\$121.94

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

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

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

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

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

3 (c) Preparatory career and technical education courses for  
4 students in grades eleven and twelve offered through a skill center.

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

8 (a)(i) To provide supplemental instruction and services for  
9 students who are not meeting academic standards through the learning  
10 assistance program under RCW 28A.165.005 through 28A.165.065,  
11 allocations shall be based on the district percentage of students in  
12 grades K-12 who were eligible for free or reduced-price meals in the  
13 prior school year. The minimum allocation for the program shall  
14 provide for each level of prototypical school resources to provide,  
15 on a statewide average, 2.3975 hours per week in extra instruction  
16 with a class size of fifteen learning assistance program students per  
17 teacher.

18 (ii) In addition to funding allocated under (a)(i) of this  
19 subsection, to provide supplemental instruction and services for  
20 students who are not meeting academic standards in qualifying  
21 schools. A qualifying school means a school in which the three-year  
22 rolling average of the prior year total annual average enrollment  
23 that qualifies for free or reduced-price meals equals or exceeds  
24 fifty percent or more of its total annual average enrollment. The  
25 minimum allocation for this additional high poverty-based allocation  
26 must provide for each level of prototypical school resources to  
27 provide, on a statewide average, 1.1 hours per week in extra  
28 instruction with a class size of fifteen learning assistance program  
29 students per teacher, under RCW 28A.165.055, school districts must  
30 distribute the high poverty-based allocation to the schools that  
31 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 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150  
27 RCW to read as follows:

28 (1) Funding allocated to implement the Washington integrated  
29 student supports protocol established in RCW 28A.300.139 for students  
30 in kindergarten through third grade under RCW 28A.150.260(4)(b)(i)  
31 must supplement and may not supplant funding from other sources.  
32 Districts may use partnerships with organizations or other local or  
33 regional agencies to provide services, supports, and training for  
34 implementation.

35 (2)(a) Districts must develop an investment plan annually, based  
36 on community input, for the use of funding allocated to implement the  
37 Washington integrated student supports protocol for students in  
38 kindergarten through third grade under RCW 28A.150.260(4)(b)(i). The  
39 plan must include:

1 (i) How the investments will reduce opportunity gaps for students  
2 in kindergarten through third grade;  
3 (ii) Any barriers to meeting the state-funded K-3 class sizes in  
4 RCW 28A.150.260(4)(a)(i), including capital capacity;  
5 (iii) The status of meeting state-funded K-3 class sizes;  
6 (iv) How funding allocated under RCW 28A.150.260(4)(b)(i) was  
7 invested; and  
8 (v) How the district will meet the state-funded K-3 class size  
9 before the 2022-23 school year.  
10 (b) Districts must annually present the plan to the school board  
11 of directors and report the plan to the office of the superintendent  
12 of public instruction. The office of the superintendent of public  
13 instruction must submit to the legislature a summary report of  
14 district plans showing the status of class size reductions by  
15 district and how allocations subject to this subsection were  
16 invested.

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