
SENATE BILL 5339

State of Washington

68th Legislature

2023 Regular Session

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

1 AN ACT Relating to providing free school meals for all; amending
2 RCW 28A.150.200, 28A.235.250, 28A.235.270, 28A.235.285, 28A.600.290,
3 28A.150.260, 28A.150.260, and 28A.405.415; reenacting and amending
4 RCW 28A.235.160 and 28A.600.310; adding new sections to chapter
5 28A.235 RCW; creating a new section; repealing RCW 28A.235.140 and
6 28A.235.260; providing an effective date; and providing expiration
7 dates.

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

9 **Part 1**

10 **Providing All Public School Students With Access to Meals Served at**
11 **No Charge to the Students**

12 NEW SECTION. **Sec. 101.** (1) The legislature finds that providing
13 all public school students with access to meals served without charge
14 each school day will support academic success and promote student
15 well-being. The legislature, in support of students, families, and
16 productive learning environments, and in recognition of financial
17 challenges that can create barriers to academic achievement, declares
18 that no student should ever experience hunger or food insecurity
19 within a public school.

1 (2) The legislature, therefore, intends to make the provision of
2 breakfast and lunch to all requesting students and without charge to
3 those students, part of the state's statutory program of basic
4 education that is deemed by the legislature to implement Article IX,
5 section 1 of the state Constitution. The legislature further intends
6 for this policy to be implemented without adversely impacting
7 programs that use free and reduced-price meal eligibility information
8 for determining program eligibility, the distribution of financial
9 resources, or both.

10 **Sec. 102.** RCW 28A.150.200 and 2021 c 164 s 2 are each amended to
11 read as follows:

12 (1) The program of basic education established under this chapter
13 is deemed by the legislature to comply with the requirements of
14 Article IX, section 1 of the state Constitution, which states that
15 "It is the paramount duty of the state to make ample provision for
16 the education of all children residing within its borders, without
17 distinction or preference on account of race, color, caste, or sex,"
18 and is adopted pursuant to Article IX, section 2 of the state
19 Constitution, which states that "The legislature shall provide for a
20 general and uniform system of public schools."

21 (2) The legislature defines the program of basic education under
22 this chapter as that which is necessary to provide the opportunity to
23 develop the knowledge and skills necessary to meet the state-
24 established high school graduation requirements that are intended to
25 allow students to have the opportunity to graduate with a meaningful
26 diploma that prepares them for postsecondary education, gainful
27 employment, and citizenship. Basic education by necessity is an
28 evolving program of instruction intended to reflect the changing
29 educational opportunities that are needed to equip students for their
30 role as productive citizens and includes the following:

31 (a) The instructional program of basic education the minimum
32 components of which are described in RCW 28A.150.220;

33 (b) The program of education provided by chapter 28A.190 RCW for
34 students in residential schools as defined by RCW 28A.190.005 and for
35 juveniles in detention facilities as identified by RCW 28A.190.010;

36 (c) The program of education provided by chapter 28A.193 RCW for
37 individuals under the age of eighteen who are incarcerated in adult
38 correctional facilities;

1 (d) Transportation and transportation services to and from school
2 for eligible students as provided under RCW 28A.160.150 through
3 28A.160.180; (~~and~~)

4 (e) Statewide salary allocations necessary to hire and retain
5 qualified staff for the state's statutory program of basic education;
6 and

7 (f) Meals provided at no charge to students under section 103 of
8 this act.

9 NEW SECTION. **Sec. 103.** A new section is added to chapter
10 28A.235 RCW to read as follows:

11 (1) Beginning with the 2023-24 school year, each public school
12 shall provide, at no cost, one breakfast and one lunch during each
13 school day to any student who requests a meal without consideration
14 of the student's eligibility for a federally funded free or reduced-
15 price meal. The meals provided under this subsection shall be
16 nutritiously adequate meals that qualify for federal reimbursement
17 under the United States department of agriculture school breakfast
18 program and national school lunch program.

19 (2) The office of the superintendent of public instruction shall
20 reimburse local education agencies that participate in the national
21 school lunch program and school breakfast program on a per-meal
22 reimbursement basis for meals that are not already reimbursed at the
23 United States department of agriculture's free rate. The additional
24 state reimbursement amount must be the difference between the United
25 States department of agriculture's free rate and the United States
26 department of agriculture's paid rate.

27 (3) Until the 2025-26 school year, the superintendent of public
28 instruction may exempt school districts from the requirements of this
29 section under RCW 28A.235.160.

30 (4) To maximize federal funding, local education districts shall
31 continue collecting meal applications where applicable and run direct
32 certification at least monthly in accordance with RCW 28A.235.280.
33 School districts shall also annually monitor data for eligibility in
34 the United States department of agriculture community eligibility
35 provision and apply where eligible as required in RCW 28A.235.300.

36 (5) For the purposes of this section, the following definitions
37 apply:

38 (a) "Public school" has the same meaning as in RCW 28A.150.010.

1 (b) "School breakfast program" has the same meaning as in RCW
2 28A.235.160.

3 (c) "School lunch program" has the same meaning as in RCW
4 28A.235.160.

5 (6) This section governs school operation and management under
6 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
7 established under chapter 28A.710 RCW and state-tribal education
8 compact schools established under chapter 28A.715 RCW to the same
9 extent as it applies to school districts.

10 (7) The superintendent of public instruction shall adopt and
11 periodically revise rules to implement this section.

12 **Sec. 104.** RCW 28A.235.160 and 2021 c 74 s 2 are each reenacted
13 and amended to read as follows:

14 (1) For the purposes of this section:

15 (a) "Free or reduced-price lunch" means a lunch served by a
16 school district participating in the national school lunch program to
17 a student qualifying for national school lunch program benefits based
18 on family size-income criteria.

19 ~~(b) ("Lunch copay" means the amount a student who qualifies for~~
20 ~~a reduced-price lunch is charged for a reduced-price lunch.~~

21 ~~(c))~~ "School breakfast program" means a program meeting federal
22 requirements defined in 42 U.S.C. Sec. 1773.

23 ~~((d))~~ (c) "School lunch program" means a meal program meeting
24 the requirements defined ~~((by the superintendent of public~~
25 ~~instruction under subsection (2)(b) of this section))~~ in 42 U.S.C.
26 Sec. 1751.

27 ~~((e))~~ (d) "Severe-need school" means a school that qualifies
28 for a severe-need school reimbursement rate from federal funds for
29 school breakfasts served to children from low-income families.

30 ~~((f))~~ (e) "Summer food service program" means a meal or snack
31 program meeting the requirements defined by the superintendent of
32 public instruction under subsection ~~((4))~~ (3) of this section.

33 (2) School districts shall implement a school lunch program and
34 school breakfast program in each public school in the district ~~((in~~
35 ~~which educational services are provided to children in any of the~~
36 ~~grades kindergarten through four and in which twenty-five percent or~~
37 ~~more of the enrolled students qualify for a free or reduced-price~~
38 ~~lunch)). In accordance with section 103 of this act, beginning in the~~

39 2023-24 school year, school districts shall provide meals to all

1 requesting students at no charge to the students. In developing and
2 implementing its school lunch program and school breakfast program,
3 each school district may consult with an advisory committee including
4 school staff, community members, and others appointed by the board of
5 directors of the district.

6 ~~((a) Applications to determine free or reduced-price lunch~~
7 ~~eligibility shall be distributed and collected for all households of~~
8 ~~children in schools containing any of the grades kindergarten through~~
9 ~~four and in which there are no United States department of~~
10 ~~agriculture child nutrition programs. The applications that are~~
11 ~~collected must be reviewed to determine eligibility for free or~~
12 ~~reduced-price lunches. Nothing in this section shall be construed to~~
13 ~~require completion or submission of the application by a parent or~~
14 ~~guardian.~~

15 ~~(b) Using the most current available school data on free and~~
16 ~~reduced-price lunch eligibility, the superintendent of public~~
17 ~~instruction shall adopt a schedule for implementation of school lunch~~
18 ~~programs at each school required to offer such a program under~~
19 ~~subsection (2) of this section as follows:~~

20 ~~(i) Schools not offering a school lunch program and in which~~
21 ~~twenty-five percent or more of the enrolled students are eligible for~~
22 ~~free or reduced-price lunch shall implement a school lunch program~~
23 ~~not later than the second day of school in the 2005-06 school year~~
24 ~~and in each school year thereafter.~~

25 ~~(ii) The superintendent shall establish minimum standards~~
26 ~~defining the lunch meals to be served, and such standards must be~~
27 ~~sufficient to qualify the meals for any available federal~~
28 ~~reimbursement.~~

29 ~~(iii) Nothing in this section shall be interpreted to prevent a~~
30 ~~school from implementing a school lunch program earlier than the~~
31 ~~school is required to do so.~~

32 ~~(3) To the extent funds are appropriated for this purpose, each~~
33 ~~school district shall implement a school breakfast program in each~~
34 ~~school where more than forty percent of students eligible to~~
35 ~~participate in the school lunch program qualify for free or reduced-~~
36 ~~price meal reimbursement by the school year 2005-06. For the second~~
37 ~~year before the implementation of the district's school breakfast~~
38 ~~program, and for each subsequent school year, each school district~~
39 ~~shall submit data enabling the superintendent of public instruction~~
40 ~~to determine which schools within the district will qualify for this~~

1 ~~requirement. Schools where lunch programs start after the 2003-04~~
2 ~~school year, where forty percent of students qualify for free or~~
3 ~~reduced-price meals, must begin school breakfast programs the second~~
4 ~~year following the start of a lunch program.~~

5 ~~(4))~~ (3) Each school district shall implement a summer food
6 service program in each public school in the district in which a
7 summer program of academic, enrichment, or remedial services is
8 provided and in which 50 percent or more of the children enrolled in
9 the school qualify for free or reduced-price lunch. However, the
10 superintendent of public instruction shall develop rules establishing
11 criteria to permit an exemption for a school that can demonstrate
12 availability of an adequate alternative summer feeding program. Sites
13 providing meals should be open to all children in the area, unless a
14 compelling case can be made to limit access to the program. The
15 superintendent of public instruction shall adopt a definition of
16 compelling case ~~((and a schedule for implementation as follows:~~

17 ~~(a) Beginning the summer of 2005 if the school currently offers a~~
18 ~~school breakfast or lunch program; or~~

19 ~~(b) Beginning the summer following the school year during which a~~
20 ~~school implements a school lunch program under subsection (2) (b) of~~
21 ~~this section)).~~

22 ~~((5))~~ (4) Schools not offering a breakfast or lunch program may
23 meet the meal service requirements of subsections (2) ~~((b) and (4))~~
24 and (3) of this section through any of the following:

25 (a) Preparing the meals on-site;

26 (b) Receiving the meals from another school that participates in
27 a United States department of agriculture child nutrition program; or

28 (c) Contracting with a nonschool entity that is a licensed food
29 service establishment under RCW 69.07.010.

30 ~~((6) Requirements that school districts have a school lunch,~~
31 ~~breakfast, or summer nutrition program under this section shall not~~
32 ~~create or imply any state funding obligation for these costs. The~~
33 ~~legislature does not intend to include these programs within the~~
34 ~~state's obligation for basic education funding under Article IX of~~
35 ~~the state Constitution.~~

36 ~~(7) Beginning in the 2021-22 school year, school districts with~~
37 ~~school lunch programs must eliminate lunch copays for students in~~
38 ~~prekindergarten through 12th grade who qualify for reduced-price~~
39 ~~lunches, and the superintendent of public instruction must allocate~~
40 ~~funding for this purpose.~~

1 **Sec. 202.** RCW 28A.235.270 and 2018 c 271 s 4 are each amended to
2 read as follows:

3 ~~((1))~~ No school or school district personnel or school
4 volunteer may:

5 ~~((a) Take any action that would publicly identify a student who
6 cannot pay for a school meal or for meals previously served to the
7 student, including but not limited to requiring the student to wear a
8 wristband, hand stamp, or other identifying marker, or by serving the
9 student an alternative meal;~~

10 ~~(b))~~ (1) Require a student who cannot pay for ~~((a school meal or
11 ~~for~~)~~ meals previously served to the student to perform chores or
12 other actions in exchange for a meal or for the reduction or
13 elimination of a school meal debt ~~((, unless all students perform
14 similar chores or work;~~

15 ~~(c))~~ ;

16 (2) Require a student to dispose of an already served meal
17 because of ~~((the student's inability to pay for the meal or because
18 of~~) money owed for meals previously served to the student; or

19 ~~((d))~~ (3) Allow any disciplinary action that is taken against a
20 student to result in the denial or delay of a nutritionally adequate
21 meal to the student ~~((; or~~

22 ~~(e) Require a parent or guardian to pay fees or costs in excess
23 of the actual amounts owed for meals previously served to the
24 student.~~

25 ~~(2) Communications from a school or school district about amounts
26 owed for meals previously served to a student under the age of
27 fifteen may only be directed to the student's parent or guardian.
28 Nothing in this subsection prohibits a school or school district from
29 sending a student home with a notification that is addressed to the
30 student's parent or guardian.~~

31 ~~(3) (a) A school district shall notify a parent or guardian of the
32 negative balance of a student's school meal account no later than ten
33 days after the student's school meal account has reached a negative
34 balance. Within thirty days of sending this notification, the school
35 district shall exhaust all options to directly certify the student
36 for free or reduced-price meals. Within these thirty days, while the
37 school district is attempting to certify the student for free or
38 reduced-price meals, the student may not be denied access to a school
39 meal unless the school district determines that the student is
40 ineligible for free or reduced-price meals.~~

1 ~~(b) If the school district is unable to directly certify the~~
2 ~~student for free or reduced-price meals, the school district shall~~
3 ~~provide the parent or guardian with a paper copy of or an electronic~~
4 ~~link to an application for free or reduced-price meals with the~~
5 ~~notification required by (a) of this subsection and encourage the~~
6 ~~parent or guardian to submit the application).~~

7 **Sec. 203.** RCW 28A.235.285 and 2022 c 111 s 1 are each amended to
8 read as follows:

9 (1) The office of the superintendent of public instruction shall
10 initiate and oversee the development and implementation of a
11 statewide electronic repository of household income information that
12 is required for a student's enrollment in, or eligibility for, the
13 national school lunch program, the school breakfast program, or both
14 programs for the purpose of:

15 ~~(a) ((Removing barriers that diminish access to free and reduced-~~
16 ~~price meals by students enrolled in eligible schools;~~

17 ~~(b))~~ Providing parents and legal guardians ~~((of—students~~
18 ~~enrolled in eligible schools))~~ with a voluntary, secure, and
19 convenient online portal for providing household information that is
20 required for participation in the national school lunch program, the
21 school breakfast program, or both programs;

22 ~~((e))~~ (b) Providing student household income information to
23 schools and school districts ~~((that provide meals at no charge to~~
24 ~~students))~~ without using school meal applications to determine
25 eligibility for low-income programs for students and schools; and

26 ~~((d))~~ (c) Ensuring an accessible, simplified process for
27 enrolling students in, and administering, related nutrition programs,
28 including the summer P-EBT program.

29 (2) In addition to the requirements of this section and other
30 requirements deemed necessary by the superintendent of public
31 instruction, the superintendent of public instruction shall ensure
32 the electronic repository:

33 (a) Complies with any applicable federal requirements for
34 participation in the national school lunch program, the school
35 breakfast program, or both programs;

36 (b) Complies with any applicable requirements necessary for
37 schools and school districts to access repository data;

38 (c) Complies with any applicable standards and requirements
39 necessary to ensure that the repository data connects to the direct

1 certification system and streamlines the process in a manner that
2 maximizes the number of eligible students directly certified for free
3 school meals each month;

4 (d) Includes robust safeguards, both technically and
5 procedurally, to ensure that the income information provided by
6 parents and legal guardians is secure and accessed only by
7 individuals with express authorization to do so; and

8 (e) Is accessible online and easily navigable by parents and
9 legal guardians, and in multiple languages, for the purpose of
10 voluntarily providing the pertinent household income data.

11 (3) Household income information received by the office of the
12 superintendent of public instruction, school employees, school
13 district employees, or their designees in accordance with this
14 section is exempt from disclosure under chapter 42.56 RCW and may not
15 be disseminated except as provided by law.

16 (4)(a) Beginning in 2022, the office of the superintendent of
17 public instruction shall report annually to the legislature by
18 December 1st on the electronic repository, including: (i) The number
19 of schools and school districts accessing the data of the electronic
20 repository for providing household information that is required for a
21 school's participation in the national school lunch program, the
22 school breakfast program, or both programs; and (ii) recommendations
23 for increasing the number of repository users and improving the
24 technical functionality of the repository.

25 (b) In lieu of the report contents required in (a) of this
26 subsection, the report required by December 1, 2022, shall include a
27 plan, timeline, and cost estimate for: (i) Implementing the
28 development of the repository; (ii) securing any needed vendors for
29 its development and, if necessary, operation; and (iii) making the
30 repository accessible to schools, school districts, and the public
31 through appropriate electronic interfaces.

32 (5) For the purposes of this section, "school breakfast program"
33 and "school lunch program" have the same meaning as in RCW
34 28A.235.160.

35 **Sec. 204.** RCW 28A.600.290 and 2021 c 71 s 2 are each amended to
36 read as follows:

37 (1)(a) Subject to the availability of amounts appropriated for
38 this specific purpose and commencing with the 2015-16 school year,
39 funding may be allocated at an amount per college credit for

1 ((~~eleventh~~)) 11th and ((~~twelfth~~)) 12th grade students, and students
2 who have not yet received a high school diploma or its equivalent and
3 are eligible to be in the ((~~eleventh~~)) 11th or ((~~twelfth~~)) 12th
4 grade, who are enrolled in college in the high school courses under
5 RCW 28A.600.287 as specified in the omnibus appropriations act and
6 adjusted for inflation from the 2015-16 school year. The maximum
7 annual number of allocated credits per participating student shall be
8 specified in the omnibus appropriations act, which must not exceed
9 ((~~ten~~)) 10 credits. Funding shall be prioritized in the following
10 order:

11 (i) High schools offering a running start in the high school
12 program in school year 2014-15. These schools shall only receive
13 prioritized funding in school year 2015-16;

14 (ii) Students whose residence or the high school in which they
15 are enrolled is located ((~~twenty~~)) 20 driving miles or more as
16 measured by the most direct route from the nearest eligible
17 institution of higher education offering a running start program,
18 whichever is greater; and

19 (iii) High schools eligible for the small school funding
20 enhancement in the omnibus appropriations act.

21 (b)(i) Subject to the availability of amounts appropriated for
22 this specific purpose and commencing with the 2015-16 school year,
23 and only after the programs in (a) of this subsection are funded, a
24 subsidy may be provided per college credit for ((~~eleventh~~)) 11th and
25 ((~~twelfth~~)) 12th grade students and students who have not yet
26 received a high school diploma or its equivalent and are eligible to
27 be in the ((~~eleventh~~)) 11th or ((~~twelfth~~)) 12th grade, who have
28 ((~~been deemed eligible~~)) met federal eligibility requirements for
29 free or reduced-price lunch and are enrolled in college in the high
30 school courses under RCW 28A.600.287 as specified in the omnibus
31 appropriations act and adjusted for inflation from the 2015-16 school
32 year. The maximum annual number of subsidized credits per
33 participating student shall be specified in the omnibus
34 appropriations act, which must not exceed five credits.

35 (ii) Districts wishing to participate in the subsidy program must
36 apply to the office of the superintendent of public instruction by
37 July 1st of each year and report the preliminary estimate of eligible
38 students to receive the subsidy and the total number of projected
39 credit hours.

1 (iii) The office of the superintendent of public instruction
2 shall notify districts by September 1st of each school year if the
3 district's students will receive the subsidy. If more districts apply
4 than funding is available, the office of the superintendent of public
5 instruction shall prioritize the district applications. The
6 superintendent shall develop factors to determine priority including,
7 but not limited to, the number of dual credit opportunities available
8 for low-income students in the districts.

9 (c) Districts shall remit any allocations or subsidies on behalf
10 of participating students under (a) and (b) of this subsection to the
11 participating institution of higher education and those students
12 shall not be required to pay for the credits.

13 (2) The definitions in this subsection apply throughout this
14 section.

15 (a) "Institution of higher education" has the definition in RCW
16 28B.10.016, and also includes a public tribal college located in
17 Washington and accredited by the northwest commission on colleges and
18 universities or another accrediting association recognized by the
19 United States department of education.

20 (b) "Program course" means a college course offered in a high
21 school under the college in the high school program.

22 **Sec. 205.** RCW 28A.600.310 and 2019 c 252 s 115 and 2019 c 176 s
23 2 are each reenacted and amended to read as follows:

24 (1)(a) Eleventh and (~~twelfth~~) 12th grade students or students
25 who have not yet received the credits required for the award of a
26 high school diploma and are eligible to be in the (~~eleventh~~) 11th
27 or (~~twelfth~~) 12th grades may apply to a participating institution
28 of higher education to enroll in courses or programs offered by the
29 institution of higher education.

30 (b) The course sections and programs offered as running start
31 courses must also be open for registration to matriculated students
32 at the participating institution of higher education and may not be a
33 course consisting solely of high school students offered at a high
34 school campus.

35 (c) A student receiving home-based instruction enrolling in a
36 public high school for the sole purpose of participating in courses
37 or programs offered by institutions of higher education shall not be
38 counted by the school district in any required state or federal
39 accountability reporting if the student's parents or guardians filed

1 a declaration of intent to provide home-based instruction and the
2 student received home-based instruction during the school year before
3 the school year in which the student intends to participate in
4 courses or programs offered by the institution of higher education.
5 Students receiving home-based instruction under chapter 28A.200 RCW
6 and students attending private schools approved under chapter 28A.195
7 RCW shall not be required to meet the student learning goals or to
8 learn the state learning standards. However, students are eligible to
9 enroll in courses or programs in participating universities only if
10 the board of directors of the student's school district has decided
11 to participate in the program. Participating institutions of higher
12 education, in consultation with school districts, may establish
13 admission standards for these students. If the institution of higher
14 education accepts a secondary school pupil for enrollment under this
15 section, the institution of higher education shall send written
16 notice to the pupil and the pupil's school district within (~~ten~~) 10
17 days of acceptance. The notice shall indicate the course and hours of
18 enrollment for that pupil.

19 (2) (a) In lieu of tuition and fees, as defined in RCW 28B.15.020
20 and 28B.15.041:

21 (i) Running start students shall pay to the community or
22 technical college all other mandatory fees as established by each
23 community or technical college and, in addition, the state board for
24 community and technical colleges may authorize a fee of up to (~~ten~~)
25 10 percent of tuition and fees as defined in RCW 28B.15.020 and
26 28B.15.041; and

27 (ii) All other institutions of higher education operating a
28 running start program may charge running start students a fee of up
29 to (~~ten~~) 10 percent of tuition and fees as defined in RCW
30 28B.15.020 and 28B.15.041 in addition to technology fees.

31 (b) The fees charged under this subsection (2) shall be prorated
32 based on credit load.

33 (c) Students may pay fees under this subsection with advanced
34 college tuition payment program tuition units at a rate set by the
35 advanced college tuition payment program governing body under chapter
36 28B.95 RCW.

37 (3) (a) The institutions of higher education must make available
38 fee waivers for low-income running start students. A student shall be
39 considered low income and eligible for a fee waiver upon proof that
40 the student (~~is currently qualified to receive~~) meets federal

1 eligibility requirements for free or reduced-price lunch. Acceptable
2 documentation of low-income status may also include, but is not
3 limited to, documentation that a student has been deemed eligible for
4 free or reduced-price lunches in the last five years, or other
5 criteria established in the institution's policy.

6 (b) (i) By the beginning of the 2020-21 school year, school
7 districts, upon knowledge of a low-income student's enrollment in
8 running start, must provide documentation of the student's low-income
9 status, under (a) of this subsection, directly to institutions of
10 higher education.

11 (ii) Subject to the availability of amounts appropriated for this
12 specific purpose, the office of the superintendent of public
13 instruction, in consultation with the Washington student achievement
14 council, shall develop a centralized process for school districts to
15 provide students' low-income status to institutions of higher
16 education to meet the requirements of (b) (i) of this subsection.

17 (c) Institutions of higher education, in collaboration with
18 relevant student associations, shall aim to have students who can
19 benefit from fee waivers take advantage of these waivers.
20 Institutions shall make every effort to communicate to students and
21 their families the benefits of the waivers and provide assistance to
22 students and their families on how to apply. Information about
23 waivers shall, to the greatest extent possible, be incorporated into
24 financial aid counseling, admission information, and individual
25 billing statements. Institutions also shall, to the greatest extent
26 possible, use all means of communication, including but not limited
27 to websites, online catalogues, admission and registration forms,
28 mass email messaging, social media, and outside marketing to ensure
29 that information about waivers is visible, compelling, and reaches
30 the maximum number of students and families that can benefit.

31 (4) The pupil's school district shall transmit to the institution
32 of higher education an amount per each full-time equivalent college
33 student at statewide uniform rates for vocational and nonvocational
34 students. The superintendent of public instruction shall separately
35 calculate and allocate moneys appropriated for basic education under
36 RCW 28A.150.260 to school districts for purposes of making such
37 payments and for granting school districts seven percent thereof to
38 offset program related costs. The calculations and allocations shall
39 be based upon the estimated statewide annual average per full-time
40 equivalent high school student allocations under RCW 28A.150.260,

1 excluding small high school enhancements, and applicable rules
2 adopted under chapter 34.05 RCW. The superintendent of public
3 instruction, participating institutions of higher education, and the
4 state board for community and technical colleges shall consult on the
5 calculation and distribution of the funds. The funds received by the
6 institution of higher education from the school district shall not be
7 deemed tuition or operating fees and may be retained by the
8 institution of higher education. A student enrolled under this
9 subsection shall be counted for the purpose of meeting enrollment
10 targets in accordance with terms and conditions specified in the
11 omnibus appropriations act.

12 **Part 3**

13 **Funding Stability Provisions**

14 **Sec. 301.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to
15 read as follows:

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

21 (1) The governor shall and the superintendent of public
22 instruction may recommend to the legislature a formula for the
23 distribution of a basic education instructional allocation for each
24 common school district.

25 (2)(a) The distribution formula under this section shall be for
26 allocation purposes only. Except as may be required under subsections
27 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,
28 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
29 nothing in this section requires school districts to use basic
30 education instructional funds to implement a particular instructional
31 approach or service. Nothing in this section requires school
32 districts to maintain a particular classroom teacher-to-student ratio
33 or other staff-to-student ratio or to use allocated funds to pay for
34 particular types or classifications of staff. Nothing in this section
35 entitles an individual teacher to a particular teacher planning
36 period.

37 (b) To promote transparency in state funding allocations, the
38 superintendent of public instruction must report state per-pupil

1 allocations for each school district for the general apportionment,
2 special education, learning assistance, transitional bilingual,
3 highly capable, and career and technical education programs. The
4 superintendent must report this information in a user-friendly format
5 on the main page of the office's website. School districts must
6 include a link to the superintendent's per-pupil allocations report
7 on the main page of the school district's website. In addition, the
8 budget documents published by the legislature for the enacted omnibus
9 operating appropriations act must report statewide average per-pupil
10 allocations for general apportionment and the categorical programs
11 listed in this subsection.

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

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

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

1 (ii) A prototypical middle school has (~~four hundred thirty-two~~)
2 432 average annual full-time equivalent students in grades seven and
3 eight; and

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

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

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

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

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

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

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

(c) (i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent 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.	19.00

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

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

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

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

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

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators.	1.253	1.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs.	0.663	0.519	0.523
Teaching assistance, including any aspect of educational instructional services provided by classified employees.	0.936	0.700	0.652
Office support and other noninstructional aides.	2.012	2.325	3.269
Custodians.	1.657	1.942	2.965
Nurses.	0.246	0.336	0.339
Social workers.	0.132	0.033	0.052
Psychologists.	0.046	0.009	0.021

1	Counselors.....	0.660	1.383	2.706
2	Classified staff providing student and staff safety.....	0.079	0.092	0.141
3	Parent involvement coordinators.....	0.0825	0.00	0.00

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

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

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

24 (c) For the 2023-24 school year, in addition to the minimum
25 allocation under (a) of this subsection, the following additional
26 staffing units for each level of prototypical school will be
27 provided:

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

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

1		Staff per 1,000
2		K-12 students
3	Technology.	0.628
4	Facilities, maintenance, and grounds.	1.813
5	Warehouse, laborers, and mechanics.	0.332

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

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

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

21		Per annual average
22		full-time equivalent student
23		in grades K-12
24	Technology.	\$130.76
25	Utilities and insurance.	\$355.30
26	Curriculum and textbooks.	\$140.39
27	Other supplies	\$278.05
28	Library materials.	\$20.00
29	Instructional professional development for certificated and	
30	classified staff.	\$21.71
31	Facilities maintenance.	\$176.01
32	Security and central office administration.	\$121.94

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

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

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

- (a) Exploratory career and technical education courses for students in grades seven through ~~((twelve))~~ 12;
- (b) Preparatory career and technical education courses for students in grades nine through ~~((twelve))~~ 12 offered in a high school; and
- (c) Preparatory career and technical education courses for students in grades ~~((eleven))~~ 11 and ~~((twelve))~~ 12 offered through a skill center.

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

- (a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade ~~((twelve))~~ 12 who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall, except as provided in (a)(iii) of this subsection, provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of ~~((fifteen))~~ 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 qualifying school, except as provided in (a)(iv) of this
5 subsection, means a school in which the three-year rolling average of
6 the prior year total annual average enrollment that qualifies for
7 free or reduced-price meals equals or exceeds (~~(fifty)~~) 50 percent or
8 more of its total annual average enrollment. A school continues to
9 meet the definition of a qualifying school if the school:
10 Participates in the United States department of agriculture's
11 community eligibility provision; and met the definition of a
12 qualifying school in the year immediately preceding their
13 participation. The minimum allocation for this additional high
14 poverty-based allocation must provide for each level of prototypical
15 school resources to provide, on a statewide average, 1.1 hours per
16 week in extra instruction with a class size of (~~(fifteen)~~) 15
17 learning assistance program students per teacher, under RCW
18 28A.165.055, school districts must distribute the high poverty-based
19 allocation to the schools that generated the funding allocation.

20 (iii) For the 2024-25 and 2025-26 school years, allocations under
21 (a)(i) of this subsection for school districts not participating, in
22 whole or in part, in the United States department of agriculture's
23 community eligibility provision shall be based on the school district
24 percentage of students in grades K-12 who were eligible for free or
25 reduced-price meals in school years 2019-20 through 2022-23 or the
26 prior school year, whichever is greatest.

27 (iv) For the 2024-25 and 2025-26 school years, a school not
28 participating in the department of agriculture's community
29 eligibility provision continues to meet the definition of a
30 qualifying school under (a)(ii) of this subsection if the school met
31 the definition during one year of the 2019-20 through 2022-23 school
32 years, or in the prior school year.

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

1 through six and 6.7780 hours per week in extra instruction for
2 students in grades seven through (~~twelve~~) 12, with (~~fifteen~~) 15
3 transitional bilingual instruction program students per teacher.
4 Notwithstanding other provisions of this subsection (10), the actual
5 per-student allocation may be scaled to provide a larger allocation
6 for students needing more intensive intervention and a commensurate
7 reduced allocation for students needing less intensive intervention,
8 as detailed in the omnibus appropriations act.

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

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

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

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

38 (b) Allocations or enhancements provided under subsections (4),
39 (7), and (9) of this section for exploratory and preparatory career
40 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. 302.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to
27 read as follows:

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

33 (1) The governor shall and the superintendent of public
34 instruction may recommend to the legislature a formula for the
35 distribution of a basic education instructional allocation for each
36 common school district.

37 (2)(a) The distribution formula under this section shall be for
38 allocation purposes only. Except as may be required under subsections
39 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,

1 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,
2 nothing in this section requires school districts to use basic
3 education instructional funds to implement a particular instructional
4 approach or service. Nothing in this section requires school
5 districts to maintain a particular classroom teacher-to-student ratio
6 or other staff-to-student ratio or to use allocated funds to pay for
7 particular types or classifications of staff. Nothing in this section
8 entitles an individual teacher to a particular teacher planning
9 period.

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

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

1 configuration of the school to the extent that data is available. The
2 allocations shall be further adjusted from the school prototypes with
3 minimum allocations for small schools and to reflect other factors
4 identified in the omnibus appropriations act.

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

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

10 (ii) A prototypical middle school has (~~four hundred thirty two~~)
11 432 average annual full-time equivalent students in grades seven and
12 eight; and

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

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

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

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

39 Laboratory science

1 average class size
 2 Grades 9-12. 19.98

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

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

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

	Career and technical education average class size
13 Approved career and technical education offered at	
14 the middle school and high school level.	23.00
15 Skill center programs meeting the standards established	
16 by the office of the superintendent of public	
17 instruction.	19.00

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

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

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

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

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

	Elementary School	Middle School	High School
35 Principals, assistant principals, and other certificated building-level			
36 administrators.	1.253	1.353	1.880
37 Teacher-librarians, a function that includes information literacy, technology,			
38 and media to support school library media programs.	0.663	0.519	0.523

1	Teaching assistance, including any aspect of educational instructional services			
2	provided by classified employees.	0.936	0.700	0.652
3	Office support and other noninstructional aides.	2.012	2.325	3.269
4	Custodians.	1.657	1.942	2.965
5	Nurses.	0.585	0.888	0.824
6	Social workers.	0.311	0.088	0.127
7	Psychologists.	0.104	0.024	0.049
8	Counselors.	0.993	1.716	3.039
9	Classified staff providing student and staff safety.	0.079	0.092	0.141
10	Parent involvement coordinators.	0.0825	0.00	0.00

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

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

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

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

34		Staff per 1,000
35		K-12 students
36	Technology.	0.628
37	Facilities, maintenance, and grounds.	1.813

1 Warehouse, laborers, and mechanics. 0.332

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

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

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

	Per annual average full-time equivalent student in grades K-12
20 Technology.	\$130.76
21 Utilities and insurance.	\$355.30
22 Curriculum and textbooks.	\$140.39
23 Other supplies	\$278.05
24 Library materials.	\$20.00
25 Instructional professional development for certificated and 26 classified staff.	\$21.71
27 Facilities maintenance.	\$176.01
28 Security and central office administration.	\$121.94

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

	Per annual average full-time equivalent student in grades 9-12
38 Technology.	\$36.35

1	Curriculum and textbooks.	\$39.02
2	Other supplies	\$77.28
3	Library materials.	\$5.56
4	Instructional professional development for certificated and	
5	classified staff.	\$6.04

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

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

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

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

18 (10) In addition to the allocations otherwise provided under this
19 section, amounts shall be provided to support the following programs
20 and services:

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

36 (ii) In addition to funding allocated under (a)(i) of this
37 subsection, to provide supplemental instruction and services for
38 students who are not meeting academic standards in qualifying
39 schools. A qualifying school, except as provided in (a)(iv) of this

1 subsection, means a school in which the three-year rolling average of
2 the prior year total annual average enrollment that qualifies for
3 free or reduced-price meals equals or exceeds (~~(fifty)~~) 50 percent or
4 more of its total annual average enrollment. A school continues to
5 meet the definition of a qualifying school if the school:
6 Participates in the United States department of agriculture's
7 community eligibility provision; and met the definition of a
8 qualifying school in the year immediately preceding their
9 participation. The minimum allocation for this additional high
10 poverty-based allocation must provide for each level of prototypical
11 school resources to provide, on a statewide average, 1.1 hours per
12 week in extra instruction with a class size of (~~(fifteen)~~) 15
13 learning assistance program students per teacher, under RCW
14 28A.165.055, school districts must distribute the high poverty-based
15 allocation to the schools that generated the funding allocation.

16 (iii) For the 2024-25 and 2025-26 school years, allocations under
17 (a)(i) of this subsection for school districts not participating, in
18 whole or in part, in the United States department of agriculture's
19 community eligibility provision shall be based on the school district
20 percentage of students in grades K-12 who were eligible for free or
21 reduced-price meals in school years 2019-20 through 2022-23 or the
22 prior school year, whichever is greatest.

23 (iv) For the 2024-25 and 2025-26 school years, a school not
24 participating in the department of agriculture's community
25 eligibility provision continues to meet the definition of a
26 qualifying school under (a)(ii) of this subsection if the school met
27 the definition during one year of the 2019-20 through 2022-23 school
28 years, or in the prior school year.

29 (b) (i) To provide supplemental instruction and services for
30 students whose primary language is other than English, allocations
31 shall be based on the head count number of students in each school
32 who are eligible for and enrolled in the transitional bilingual
33 instruction program under RCW 28A.180.010 through 28A.180.080. The
34 minimum allocation for each level of prototypical school shall
35 provide resources to provide, on a statewide average, 4.7780 hours
36 per week in extra instruction for students in grades kindergarten
37 through six and 6.7780 hours per week in extra instruction for
38 students in grades seven through (~~(twelve)~~) 12, with (~~(fifteen)~~) 15
39 transitional bilingual instruction program students per teacher.
40 Notwithstanding other provisions of this subsection (10), the actual

1 per-student allocation may be scaled to provide a larger allocation
2 for students needing more intensive intervention and a commensurate
3 reduced allocation for students needing less intensive intervention,
4 as detailed in the omnibus appropriations act.

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

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

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

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

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

39 (13)(a) This formula for distribution of basic education funds
40 shall be reviewed biennially by the superintendent and governor. The

1 recommended formula shall be subject to approval, amendment or
2 rejection by the legislature.

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

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

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

22 **Sec. 303.** RCW 28A.405.415 and 2020 c 288 s 5 are each amended to
23 read as follows:

24 (1) Certificated instructional staff who have attained
25 certification from the national board for professional teaching
26 standards shall receive a bonus each year in which they maintain the
27 certification. The bonus shall be calculated as follows: The annual
28 bonus shall be (~~(five thousand dollars)~~) \$5,000 in the 2007-08 school
29 year. Thereafter, the annual bonus shall increase by inflation,
30 except that the bonus shall not be increased during the 2013-14 and
31 2014-15 school years.

32 (2)(a) Certificated instructional staff who have attained
33 certification from the national board for professional teaching
34 standards shall be eligible for bonuses in addition to that provided
35 by subsection (1) of this section if the individual is in an
36 instructional assignment in a school in which at least (~~(seventy)~~) 70
37 percent of the students qualify for the free and reduced-price lunch
38 program.

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

8 (c) For the 2024-25 and 2025-26 school years, individuals are
9 eligible for bonuses under this subsection if they are in an
10 instructional assignment in a school that met the definition of high
11 poverty school as defined in rule by the office of the superintendent
12 of public instruction during the 2022-23 school year.

13 (3) The amount of the additional bonus under subsection (2) of
14 this section for those meeting the qualifications of subsection (2)
15 of this section is (~~five thousand dollars~~) \$5,000.

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

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

23 NEW SECTION. Sec. 304. A new section is added to chapter
24 28A.235 RCW to read as follows:

25 (1) By September 1, 2023, the superintendent of public
26 instruction shall convene a work group to:

27 (a) Identify and examine actual and potential impacts to
28 education programs funded by the state, including the learning
29 assistance program under chapter 28A.165 RCW, resulting from
30 providing meals to all requesting students as required by section 2
31 of this act; and

32 (b) Recommend actions for avoiding or mitigating impacts
33 identified under (a) of this subsection (1).

34 (2) The work group, at a minimum, must include representatives of
35 school districts and persons with relevant expertise in state-funded
36 education programs.

37 (3) Staff support for the work group must be provided by the
38 office of the superintendent of public instruction.

1 (4) The work group shall meet at least monthly and, in accordance
2 with RCW 43.01.036, provide a report of findings and recommendations
3 to the education and fiscal committees of the house of
4 representatives and the senate by June 30, 2024.

5 (5) This section expires August 31, 2024.

6 **Part 4**

7 **Repealed Provisions**

8 NEW SECTION. **Sec. 401.** The following acts or parts of acts are
9 each repealed:

10 (1) RCW 28A.235.140 (School breakfast programs) and 1993 c 333 s
11 1 & 1989 c 239 s 2; and

12 (2) RCW 28A.235.260 (Free or reduced-price meals—Student
13 assistance) and 2018 c 271 s 3.

14 NEW SECTION. **Sec. 402.** Section 301 of this act expires
15 September 1, 2024.

16 NEW SECTION. **Sec. 403.** Section 302 of this act takes effect
17 September 1, 2024.

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