
HOUSE BILL 1384

State of Washington

66th Legislature

2019 Regular Session

By Representatives Jenkin, Kilduff, Steele, Ortiz-Self, Callan, Rude, Stonier, and Santos

1 AN ACT Relating to reducing the high poverty learning assistance
2 program threshold to the state average percentage for free or
3 reduced-price meals student eligibility; amending RCW 28A.150.260;
4 and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that many students
7 continue to struggle to meet state learning standards in English
8 language arts, math, and science. In 2017, the legislature created a
9 new funding formula to invest additional money into schools where
10 fifty percent of students qualify for free or reduced-price meals.
11 This policy was designed to drive additional funding to these schools
12 to increase academic successes for thousands of students in poverty.
13 The legislature finds that extending the threshold to a rolling
14 three-year fifty percent average still leaves thousands of students
15 who qualify for free or reduced-price meals from receiving this
16 additional funding.

17 The legislature intends to reduce this threshold to a rolling
18 state average for free and reduced-price meal eligibility, thereby
19 providing additional funding and supports for more than two hundred
20 schools and nearly fifty thousand more students. Lowering the
21 threshold to the state average eliminates penalizing schools with a

1 diverse student population and enables the state to offer support for
2 those students who need extra attention and instruction to succeed.

3 **Sec. 2.** RCW 28A.150.260 and 2018 c 266 s 101 are each amended to
4 read as follows:

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

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

14 (2)(a) The distribution formula under this section shall be for
15 allocation purposes only. Except as may be required under subsections
16 (4)(b) and (c) and (9) of this section, chapter 28A.155, 28A.165,
17 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in
18 this section requires school districts to use basic education
19 instructional funds to implement a particular instructional approach
20 or service. Nothing in this section requires school districts to
21 maintain a particular classroom teacher-to-student ratio or other
22 staff-to-student ratio or to use allocated funds to pay for
23 particular types or classifications of staff. Nothing in this section
24 entitles an individual teacher to a particular teacher planning
25 period.

26 (b) To promote transparency in state funding allocations, the
27 superintendent of public instruction must report state per-pupil
28 allocations for each school district for the general apportionment,
29 special education, learning assistance, transitional bilingual,
30 highly capable, and career and technical education programs. The
31 superintendent must also report state general apportionment per-pupil
32 allocations by grade for each school district. The superintendent
33 must report this information in a user-friendly format on the main
34 page of the office's web site and on school district apportionment
35 reports. School districts must include a link to the superintendent's
36 per-pupil allocations report on the main page of the school
37 district's web site. In addition, the budget documents published by
38 the legislature for the enacted omnibus operating appropriations act

1 must report statewide average per-pupil allocations for general
2 apportionment and the categorical programs listed in this subsection.

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

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

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

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

32 (iii) A prototypical elementary school has four hundred average
33 annual full-time equivalent students in grades kindergarten through
34 six.

35 (4) (a) (i) The minimum allocation for each level of prototypical
36 school shall be based on the number of full-time equivalent classroom
37 teachers needed to provide instruction over the minimum required
38 annual instructional hours under RCW 28A.150.220 and provide at least
39 one teacher planning period per school day, and based on the

1 following general education average class size of full-time
2 equivalent students per teacher:

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

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

	Laboratory science average class size
19	
20	
21	Grades 9-12. 19.98

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

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

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

	Career and technical education average class size
32	
33	
34	
35	Approved career and technical education offered at
36	the middle school and high school level. 23.00
37	Skill center programs meeting the standards established
38	by the office of the superintendent of public

1 instruction. 20.00

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

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

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

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

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

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

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

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 for the following materials, supplies, and operating
38 costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
1 Technology.	\$36.35
2 Curriculum and textbooks.	\$39.02
3 Other supplies.	\$77.28
4 Library materials.	\$5.56
5 Instructional professional development for certificated and 6 classified staff.	\$6.04

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

- 14 (a) Exploratory career and technical education courses for
15 students in grades seven through twelve;
- 16 (b) Preparatory career and technical education courses for
17 students in grades nine through twelve offered in a high school; and
- 18 (c) Preparatory career and technical education courses for
19 students in grades eleven and twelve offered through a skill center.

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

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

33 (ii) In addition to funding allocated under (a)(i) of this
34 subsection, to provide supplemental instruction and services for
35 students who are not meeting academic standards in qualifying
36 schools. A qualifying school means a school in which the three-year
37 rolling average of the prior year total annual average enrollment
38 that qualifies for free or reduced-price meals equals or exceeds
39 (~~fifty percent or more of its~~) the state's total annual average

1 enrollment that qualifies for free or reduced-price meals. The
2 minimum allocation for this additional high poverty-based allocation
3 must provide for each level of prototypical school resources to
4 provide, on a statewide average, 1.1 hours per week in extra
5 instruction with a class size of fifteen learning assistance program
6 students per teacher, under RCW 28A.165.055, school districts must
7 distribute the high poverty-based allocation to the schools that
8 generated the funding allocation.

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

25 (ii) To provide supplemental instruction and services for
26 students who have exited the transitional bilingual program,
27 allocations shall be based on the head count number of students in
28 each school who have exited the transitional bilingual program within
29 the previous two years based on their performance on the English
30 proficiency assessment and are eligible for and enrolled in the
31 transitional bilingual instruction program under RCW
32 28A.180.040(1)(g). The minimum allocation for each prototypical
33 school shall provide resources to provide, on a statewide average,
34 3.0 hours per week in extra instruction with fifteen exited students
35 per teacher.

36 (c) To provide additional allocations to support programs for
37 highly capable students under RCW 28A.185.010 through 28A.185.030,
38 allocations shall be based on 5.0 percent of each school district's
39 full-time equivalent basic education enrollment. The minimum
40 allocation for the programs shall provide resources to provide, on a

1 statewide average, 2.1590 hours per week in extra instruction with
2 fifteen highly capable program students per teacher.

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

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

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

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

23 (b) In the event the legislature rejects the distribution formula
24 recommended by the governor, without adopting a new distribution
25 formula, the distribution formula for the previous school year shall
26 remain in effect.

27 (c) The enrollment of any district shall be the annual average
28 number of full-time equivalent students and part-time students as
29 provided in RCW 28A.150.350, enrolled on the first school day of each
30 month, including students who are in attendance pursuant to RCW
31 28A.335.160 and 28A.225.250 who do not reside within the servicing
32 school district. The definition of full-time equivalent student shall
33 be determined by rules of the superintendent of public instruction
34 and shall be included as part of the superintendent's biennial budget
35 request. The definition shall be based on the minimum instructional
36 hour offerings required under RCW 28A.150.220. Any revision of the
37 present definition shall not take effect until approved by the house
38 ways and means committee and the senate ways and means committee.

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

--- **END** ---