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**SENATE BILL 5511**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Braun

1 AN ACT Relating to enhancing and improving the equity of K-12  
2 education funding; amending RCW 84.52.0531, 28A.500.015, 28A.150.390,  
3 28A.185.020, 28A.150.260, and 28A.150.260; adding a new section to  
4 chapter 28A.150 RCW; creating new sections; making an appropriation;  
5 providing an effective date; and providing expiration dates.

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

7 NEW SECTION. **Sec. 1.** SHORT TITLE. This act may be known and  
8 cited as the education equity in every zip code act or EEEZ act.

9 NEW SECTION. **Sec. 2.** INTENT. (1) The legislature finds that too  
10 many children in our state remain trapped in a system where the  
11 quality of, and access to, their education is determined by their zip  
12 code. The onset of the COVID-19 pandemic, and the nearly year long  
13 school closures that resulted, have only exacerbated this unfairness.  
14 While the legislature, in addressing *the McCleary decision*, made  
15 inroads by increasing state funding for basic education and  
16 decreasing reliance on local levies, this progress was significantly  
17 undermined in 2019 when the legislature raised local levy authority  
18 by 67 percent, thus returning to greater reliance on local levies to  
19 fund education and the inherent inequities in such a funding system.

1 (2) The legislature finds that it is appropriate and necessary to  
2 reduce the reliance on local levies in our school system and  
3 accordingly to significantly increase the state's basic education  
4 funding in ways that will address these funding and educational  
5 inequities. Eliminating a system where a child's quality of, and  
6 access to, education is tied to their zip code is the equity issue of  
7 our time and critical to our state's future and the future of our  
8 children.

9 (3) This act makes permanent enhancements to the basic education  
10 funding formula that will increase equity including: Increasing  
11 special education funding; lowering class sizes for vocational  
12 education classes and skills centers; and enhancing access to and  
13 funding for gifted education programs. Schools serving a high  
14 percentage of low-income students are aided with greater funding for  
15 the learning assistance program, and property-poor districts receive  
16 increased state funding for local effort assistance to alleviate  
17 inequities with their wealthier counterparts. These funding increases  
18 will lead to more level access across the state to critical and  
19 fundamental services for students.

20 (4) The legislature further takes notice that the COVID-19  
21 pandemic, and the nearly year long absence from in-person learning  
22 that occurred, has taken a significant toll on the academic progress  
23 of our children. The most recent state assessment found that only one  
24 in three students are at grade level in both reading and math. The  
25 figures are significantly worse for lower-income, special education,  
26 and Native American, black, and Hispanic students. Under this act,  
27 schools are incentivized to choose innovative methods, including a  
28 balanced school calendar or increased instructional hours, to improve  
29 student performance.

30 (5) The legislature intends with the education equity in every  
31 zip code act to remedy the infirmities in the present system and  
32 assist students, regardless of their zip code, to achieve their  
33 highest potential.

34 **PART I**

35 **ENRICHMENT LEVY REDUCTION**

36 **Sec. 3.** RCW 84.52.0531 and 2022 c 108 s 3 are each amended to  
37 read as follows:

1 (1) Beginning with taxes levied for collection in ((2020)) 2024,  
2 the maximum dollar amount which may be levied by or for any school  
3 district for enrichment levies under RCW 84.52.053 is equal to the  
4 lesser of ((two dollars and fifty cents)) \$1.50 per ((thousand  
5 dollars)) \$1,000 of the assessed value of property in the school  
6 district or the maximum per-pupil limit. This maximum dollar amount  
7 shall be reduced accordingly as provided under RCW 43.09.2856(2).

8 (2) The definitions in this subsection apply to this section  
9 unless the context clearly requires otherwise.

10 (a) For the purpose of this section, "inflation" means the  
11 percentage change in the seasonally adjusted consumer price index for  
12 all urban consumers, Seattle area, for the most recent 12-month  
13 period as of September 25th of the year before the taxes are payable,  
14 using the official current base compiled by the United States bureau  
15 of labor statistics.

16 (b) "Maximum per-pupil limit" means:

17 (i) ((Two thousand five hundred dollars)) \$2,500, as increased by  
18 inflation beginning with property taxes levied for collection in  
19 2020, multiplied by the number of average annual full-time equivalent  
20 students enrolled in the school district in the prior school year,  
21 for school districts with fewer than ((forty thousand)) 40,000 annual  
22 full-time equivalent students enrolled in the school district in the  
23 prior school year; or

24 (ii) ((Three thousand dollars)) \$3,000, as increased by inflation  
25 beginning with property taxes levied for collection in 2020,  
26 multiplied by the number of average annual full-time equivalent  
27 students enrolled in the school district in the prior school year,  
28 for school districts with ((forty thousand)) 40,000 or more annual  
29 full-time equivalent students enrolled in the school district in the  
30 prior school year.

31 (c) "Open for in-person instruction to all students" means that  
32 all students in all grades have the option to participate in at least  
33 40 hours of planned in-person instruction per month and the school  
34 follows state department of health guidance and recommendations for  
35 resuming in-person instruction to the greatest extent practicable.

36 (d) "Prior school year" means the most recent school year  
37 completed prior to the year in which the levies are to be collected,  
38 except as follows:

39 (i) In the 2022 calendar year, if 2019-20 school year average  
40 annual full-time equivalent enrollment is greater than the school

1 district's 2020-21 school year average annual full-time equivalent  
2 enrollment and the school district is open for in-person instruction  
3 to all students by the beginning of the 2021-22 school year, "prior  
4 school year" means the 2019-20 school year.

5 (ii) In the 2023 calendar year, if 2019-20 school year average  
6 annual full-time equivalent enrollment is greater than the school  
7 district's 2021-22 school year average annual full-time equivalent  
8 enrollment and the school district was open for in-person instruction  
9 to all students by the beginning of the 2021-22 school year, "prior  
10 school year" means the 2019-20 school year.

11 (3) For districts in a high/nonhigh relationship, the enrollments  
12 of the nonhigh students attending the high school shall only be  
13 counted by the nonhigh school districts for purposes of funding under  
14 this section.

15 (4) For school districts participating in an innovation academy  
16 cooperative established under RCW 28A.340.080, enrollments of  
17 students attending the academy shall be adjusted so that each  
18 participant district receives its proportional share of student  
19 enrollments for purposes of funding under this section.

20 (5) Beginning with propositions for enrichment levies for  
21 collection in calendar year 2020 and thereafter, a district must  
22 receive approval of an enrichment levy expenditure plan under RCW  
23 28A.505.240 before submission of the proposition to the voters.

24 (6) The superintendent of public instruction shall develop rules  
25 and regulations and inform school districts of the pertinent data  
26 necessary to carry out the provisions of this section.

27 (7) Beginning with taxes levied for collection in 2018,  
28 enrichment levy revenues must be deposited in a separate subfund of  
29 the school district's general fund pursuant to RCW 28A.320.330, and  
30 for the 2018-19 school year are subject to the restrictions of RCW  
31 28A.150.276 and the audit requirements of RCW 43.09.2856.

32 (8) Funds collected from levies for transportation vehicles,  
33 construction, modernization, or remodeling of school facilities as  
34 established in RCW 84.52.053 are not subject to the levy limitations  
35 in subsections (1) through (5) of this section.

36 **PART II**

37 **LOCAL EFFORT ASSISTANCE ENHANCEMENT**

1       **Sec. 4.** RCW 28A.500.015 and 2022 c 108 s 4 are each amended to  
2 read as follows:

3       (1) Beginning in calendar year 2020 and each calendar year  
4 thereafter, the state must provide state local effort assistance  
5 funding to supplement school district enrichment levies as provided  
6 in this section.

7       (2)(a) For an eligible school district with an actual enrichment  
8 levy rate that is less than (~~one dollar and fifty cents~~) \$1.50 per  
9 (~~thousand dollars~~) \$1,000 of assessed value in the school district,  
10 the annual local effort assistance funding is equal to the school  
11 district's maximum local effort assistance multiplied by a fraction  
12 equal to the school district's actual enrichment levy rate divided by  
13 (~~one dollar and fifty cents~~) \$1.50 per (~~thousand dollars~~) \$1,000  
14 of assessed value in the school district.

15       (b) For an eligible school district with an actual enrichment  
16 levy rate that is equal to (~~or greater than one dollar and fifty~~  
17 ~~cents~~) \$1.50 per (~~thousand dollars~~) \$1,000 of assessed value in  
18 the school district, the annual local effort assistance funding is  
19 equal to the school district's maximum local effort assistance.

20       (c) Beginning in calendar year 2022, for state-tribal education  
21 compact schools established under chapter 28A.715 RCW, the annual  
22 local effort assistance funding is equal to the actual enrichment  
23 levy per student as calculated by the superintendent of public  
24 instruction for the previous year for the school district in which  
25 the state-tribal education compact school is located, up to a maximum  
26 per student amount of (~~one thousand five hundred fifty dollars~~)  
27 \$2,000 as increased by inflation from the 2019 calendar year,  
28 multiplied by the student enrollment of the state-tribal education  
29 compact school in the prior school year.

30       (d)(i) Beginning in calendar year 2024, for charter schools  
31 established under chapter 28A.710 RCW, the annual local effort  
32 assistance funding is equal to the actual enrichment levy per student  
33 as calculated by the superintendent of public instruction for the  
34 previous year for the school district in which the charter school is  
35 located, up to a maximum per student amount of \$2,000 as increased by  
36 inflation from the 2019 calendar year, multiplied by the student  
37 enrollment of the charter school in the prior school year.

38       (ii) The legislature must appropriate annual local effort  
39 assistance funds for charter schools from the Washington opportunity  
40 pathways account in accordance with RCW 28A.710.270.

1 (3) The state local effort assistance funding provided under this  
2 section is not part of the state's program of basic education deemed  
3 by the legislature to comply with the requirements of Article IX,  
4 section 1 of the state Constitution.

5 (4) The definitions in this subsection apply throughout this  
6 section unless the context clearly requires otherwise.

7 (a) "Eligible school district" means a school district where the  
8 amount generated by a levy of (~~one dollar and fifty cents~~) \$1.50  
9 per (~~thousand dollars~~) \$1,000 of assessed value in the school  
10 district, divided by the school district's total student enrollment  
11 in the prior school year, is less than the state local effort  
12 assistance threshold.

13 (b) For the purpose of this section, "inflation" means, for any  
14 school year, the rate of the yearly increase of the previous calendar  
15 year's annual average consumer price index for all urban consumers,  
16 Seattle area, using the official current base compiled by the bureau  
17 of labor statistics, United States department of labor.

18 (c) "Maximum local effort assistance" means the difference  
19 between the following:

20 (i) The school district's actual prior school year enrollment  
21 multiplied by the state local effort assistance threshold; and

22 (ii) The amount generated by a levy of (~~one dollar and fifty~~  
23 ~~cents~~) \$1.50 per (~~thousand dollars~~) \$1,000 of assessed value in  
24 the school district.

25 (d) "Prior school year" means the most recent school year  
26 completed prior to the year in which the state local effort  
27 assistance funding is to be distributed, except as follows:

28 (i) In the 2022 calendar year, if 2019-20 school year average  
29 annual full-time equivalent enrollment is greater than the school  
30 district's 2020-21 school year average annual full-time equivalent  
31 enrollment, "prior school year" means the 2019-20 school year.

32 (ii) In the 2023 calendar year, if 2019-20 school year average  
33 annual full-time equivalent enrollment is greater than the school  
34 district's 2021-22 school year average annual full-time equivalent  
35 enrollment, "prior school year" means the 2019-20 school year.

36 (e) "State local effort assistance threshold" means (~~one~~  
37 ~~thousand five hundred fifty dollars~~) \$2,000 per student, increased  
38 for inflation beginning in calendar year 2020.

39 (f) "Student enrollment" means the average annual full-time  
40 equivalent student enrollment.

1 (5) For districts in a high/nonhigh relationship, the enrollments  
2 of the nonhigh students attending the high school shall only be  
3 counted by the nonhigh school districts for purposes of funding under  
4 this section.

5 (6) For school districts participating in an innovation academy  
6 cooperative established under RCW 28A.340.080, enrollments of  
7 students attending the academy shall be adjusted so that each  
8 participant district receives its proportional share of student  
9 enrollments for purposes of funding under this section.

10 **PART III**

11 **YEAR-ROUND SCHOOL CALENDAR**

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.150  
13 RCW to read as follows:

14 (1) The office of the superintendent of public instruction shall  
15 provide supplemental allocations to each school district, charter  
16 school, or state-tribal education compact school that implements a  
17 year-round school calendar in an amount equal to the school  
18 district's or school's base allocation per full-time equivalent  
19 student, multiplied by the school district's or school's annual  
20 average full-time equivalent student enrollment, multiplied by 0.05.

21 (2) For purposes of this section, a year-round school calendar is  
22 a calendar that provides instructional days over the course of a 12-  
23 month period.

24 **PART IV**

25 **LEARNING RECOVERY AND ACCELERATION**

26 NEW SECTION. **Sec. 6.** (1) The office of the superintendent of  
27 public instruction must administer grants for the purposes of  
28 learning recovery and acceleration.

29 (2) Allowable uses of the funds are limited to targeted high  
30 quality tutoring and rigorous extended learning programs.

31 (3) The sum of \$46,570,000, or as much thereof as may be  
32 necessary, is appropriated for the fiscal biennium ending June 30,  
33 2025, from the elementary and secondary school emergency relief III  
34 federal account to the office of the superintendent of public  
35 instruction for the purposes of this section.

36 (4) This section expires December 31, 2024.





1 districts shall be on an excess cost basis from appropriations  
2 provided by the legislature for special education programs for  
3 students with disabilities and shall take account of state funds  
4 accruing through RCW 28A.150.260 (4) (a), (5), (6), and (8) and  
5 28A.150.415.

6 (2) The excess cost allocation to school districts shall be based  
7 on the following:

8 (a) A school district's annual average headcount enrollment of  
9 students ages three and four and those five year olds not yet  
10 enrolled in kindergarten who are eligible for and receiving special  
11 education, multiplied by the school district's base allocation per  
12 full-time equivalent student, multiplied by 1.15;

13 (b) (i) Subject to the limitation in (b) (ii) of this subsection  
14 (2), a school district's annual average enrollment of resident  
15 students who are eligible for and receiving special education,  
16 excluding students ages three and four and those five year olds not  
17 yet enrolled in kindergarten, multiplied by the school district's  
18 base allocation per full-time equivalent student, multiplied by the  
19 special education cost multiplier rate of:

20 (A) In the 2019-20 school year, 0.995 for students eligible for  
21 and receiving special education.

22 (B) Beginning in the 2020-21 school year, either:

23 (I) 1.0075 for students eligible for and receiving special  
24 education and reported to be in the general education setting for  
25 eighty percent or more of the school day; or

26 (II) 0.995 for students eligible for and receiving special  
27 education and reported to be in the general education setting for  
28 less than eighty percent of the school day.

29 (ii) If (~~the~~) a school district has an average annual full-time  
30 equivalent basic education enrollment of 500 or more students and its  
31 enrollment percent exceeds (~~thirteen and five tenths~~) 15 percent,  
32 the excess cost allocation calculated under (b) (i) of this subsection  
33 must be adjusted by multiplying the allocation by (~~thirteen and~~  
34 ~~five tenths~~) 15 percent divided by the enrollment percent.

35 (3) As used in this section:

36 (a) "Base allocation" means the total state allocation to all  
37 schools in the school district generated by the distribution formula  
38 under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation  
39 under RCW 28A.150.415, to be divided by the school district's full-  
40 time equivalent enrollment.

1 (b) "Basic education enrollment" means enrollment of resident  
2 students including nonresident students enrolled under RCW  
3 28A.225.225 and students from nonhigh districts enrolled under RCW  
4 28A.225.210 and excluding students residing in another school  
5 district enrolled as part of an interdistrict cooperative program  
6 under RCW 28A.225.250.

7 (c) "Enrollment percent" means the school district's resident  
8 annual average enrollment of students who are eligible for and  
9 receiving special education, excluding students ages three and four  
10 and those five year olds not yet enrolled in kindergarten and  
11 students enrolled in institutional education programs, as a percent  
12 of the school district's annual average full-time equivalent basic  
13 education enrollment.

14 **Sec. 9.** RCW 28A.185.020 and 2017 3rd sp.s. c 13 s 412 are each  
15 amended to read as follows:

16 (1) The legislature finds that, for highly capable students,  
17 access to accelerated learning and enhanced instruction is access to  
18 a basic education. There are multiple definitions of highly capable,  
19 from intellectual to academic to artistic. The research literature  
20 strongly supports using multiple criteria to identify highly capable  
21 students, and therefore, the legislature does not intend to prescribe  
22 a single method. Instead, the legislature intends to allocate funding  
23 based on (~~5.0~~) 7.0 percent of each school district's population and  
24 authorize school districts to identify through the use of multiple,  
25 objective criteria those students most highly capable and eligible to  
26 receive accelerated learning and enhanced instruction in the program  
27 offered by the school district. District practices for identifying  
28 the most highly capable students must prioritize equitable  
29 identification of low-income students. Access to accelerated learning  
30 and enhanced instruction through the program for highly capable  
31 students does not constitute an individual entitlement for any  
32 particular student.

33 (2) Supplementary funds provided by the state for the program for  
34 highly capable students under RCW 28A.150.260 shall be categorical  
35 funding to provide services to highly capable students as determined  
36 by a school district under RCW 28A.185.030.

37 **Sec. 10.** RCW 28A.150.260 and 2022 c 109 s 3 are each amended to  
38 read as follows:

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

6 (1) The governor shall and the superintendent of public  
7 instruction may recommend to the legislature a formula for the  
8 distribution of a basic education instructional allocation for each  
9 common school district.

10 (2)(a) The distribution formula under this section shall be for  
11 allocation purposes only. Except as may be required under subsections  
12 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,  
13 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,  
14 nothing in this section requires school districts to use basic  
15 education instructional funds to implement a particular instructional  
16 approach or service. Nothing in this section requires school  
17 districts to maintain a particular classroom teacher-to-student ratio  
18 or other staff-to-student ratio or to use allocated funds to pay for  
19 particular types or classifications of staff. Nothing in this section  
20 entitles an individual teacher to a particular teacher planning  
21 period.

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

35 (3)(a) To the extent the technical details of the formula have  
36 been adopted by the legislature and except when specifically provided  
37 as a school district allocation, the distribution formula for the  
38 basic education instructional allocation shall be based on minimum  
39 staffing and nonstaff costs the legislature deems necessary to  
40 support instruction and operations in prototypical schools serving

1 high, middle, and elementary school students as provided in this  
2 section. The use of prototypical schools for the distribution formula  
3 does not constitute legislative intent that schools should be  
4 operated or structured in a similar fashion as the prototypes.  
5 Prototypical schools illustrate the level of resources needed to  
6 operate a school of a particular size with particular types and grade  
7 levels of students using commonly understood terms and inputs, such  
8 as class size, hours of instruction, and various categories of school  
9 staff. It is the intent that the funding allocations to school  
10 districts be adjusted from the school prototypes based on the actual  
11 number of annual average full-time equivalent students in each grade  
12 level at each school in the district and not based on the grade-level  
13 configuration of the school to the extent that data is available. The  
14 allocations shall be further adjusted from the school prototypes with  
15 minimum allocations for small schools and to reflect other factors  
16 identified in the omnibus appropriations act.

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

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

22 (ii) A prototypical middle school has (~~four hundred thirty two~~)  
23 432 average annual full-time equivalent students in grades seven and  
24 eight; and

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

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

	General education average class size
35	
36	
37	Grades K-3. . . . . 17.00
38	Grade 4. . . . . 27.00
39	Grades 5-6. . . . . 27.00

1	Grades 7-8. . . . .	28.53
2	Grades 9-12. . . . .	28.74

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

12		Laboratory science
13		average class size
14	Grades 9-12. . . . .	19.98

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

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

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

25		Career and technical
26		education average
27		class size
28	Approved career and technical education offered at	
29	the middle school and high school level. . . . .	( <del>23.00</del> ) <u>19.00</u>
30	Skill center programs meeting the standards established	
31	by the office of the superintendent of public	
32	instruction. . . . .	( <del>19.00</del> ) <u>16.00</u>

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

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

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

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

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

	Elementary School	Middle School	High School
9 Principals, assistant principals, and other certificated building-level 10 administrators.....	1.253	1.353	1.880
11 Teacher-librarians, a function that includes information literacy, technology, 12 and media to support school library media programs.....	0.663	0.519	0.523
13 Teaching assistance, including any aspect of educational instructional services 14 provided by classified employees.....	0.936	0.700	0.652
15 Office support and other noninstructional aides.....	2.012	2.325	3.269
16 Custodians.....	1.657	1.942	2.965
17 Nurses.....	0.246	0.336	0.339
18 Social workers.....	0.132	0.033	0.052
19 Psychologists.....	0.046	0.009	0.021
20 Counselors.....	0.660	1.383	2.706
21 Classified staff providing student and staff safety.....	0.079	0.092	0.141
22 Parent involvement coordinators.....	0.0825	0.00	0.00

23 (b) (i) The superintendent may only allocate funding, up to the  
 24 combined minimum allocations, for nurses, social workers,  
 25 psychologists, counselors, classified staff providing student and  
 26 staff safety, and parent involvement coordinators under (a) and (c)  
 27 of this subsection to the extent of and proportionate to a school  
 28 district's demonstrated actual ratios of: Full-time equivalent  
 29 physical, social, and emotional support staff to full-time equivalent  
 30 students.  
 31

32 (ii) The superintendent must adopt rules to implement this  
 33 subsection (5) (b) and the rules must require school districts to  
 34 prioritize funding allocated as required by (b) (i) of this subsection  
 35 for physical, social, and emotional support staff who hold a valid  
 36

1 educational staff associate certificate appropriate for the staff's  
2 role.

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

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

	Elementary School	Middle School	High School
13 Nurses.....	0.170	0.276	0.243
14 Social workers.....	0.090	0.027	0.037
15 Psychologists.....	0.029	0.007	0.014
16 Counselors.....	0.167	0.167	0.176

17  
18  
19 (6) (a) The minimum staffing allocation for each school district  
20 to provide district-wide support services shall be allocated per  
21 (~~one thousand~~) 1,000 annual average full-time equivalent students  
22 in grades K-12 as follows:

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

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

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

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

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

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

	Per annual average full-time equivalent student in grades 9-12
25	
26	
27	
28	Technology. . . . . \$36.35
29	Curriculum and textbooks. . . . . \$39.02
30	Other supplies . . . . . \$77.28
31	Library materials. . . . . \$5.56
32	Instructional professional development for certificated and
33	classified staff. . . . . \$6.04

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



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

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

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

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

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

27 (ii) In addition to funding allocated under (a)(i) of this  
28 subsection, to provide supplemental instruction and services for  
29 students who are not meeting academic standards in qualifying  
30 schools. A qualifying school means a school in which the three-year  
31 rolling average of the prior year total annual average enrollment  
32 that qualifies for free or reduced-price meals equals or exceeds  
33 (~~fifty~~) 50 percent or more of its total annual average enrollment.  
34 A school continues to meet the definition of a qualifying school if  
35 the school: Participates in the United States department of  
36 agriculture's community eligibility provision; and met the definition  
37 of a qualifying school in the year immediately preceding their  
38 participation. The minimum allocation for this additional high  
39 poverty-based allocation must provide for each level of prototypical  
40 school resources to provide, on a statewide average, (~~1.1~~) 1.15

1 hours per week in extra instruction with a class size of (~~fifteen~~)  
2 12 learning assistance program students per teacher, under RCW  
3 28A.165.055, school districts must distribute the high poverty-based  
4 allocation to the schools that generated the funding allocation.

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

21 (ii) To provide supplemental instruction and services for  
22 students who have exited the transitional bilingual program,  
23 allocations shall be based on the head count number of students in  
24 each school who have exited the transitional bilingual program within  
25 the previous two years based on their performance on the English  
26 proficiency assessment and are eligible for and enrolled in the  
27 transitional bilingual instruction program under RCW  
28 28A.180.040(1)(g). The minimum allocation for each prototypical  
29 school shall provide resources to provide, on a statewide average,  
30 3.0 hours per week in extra instruction with (~~fifteen~~) 15 exited  
31 students per teacher.

32 (c) To provide additional allocations to support programs for  
33 highly capable students under RCW 28A.185.010 through 28A.185.030,  
34 allocations shall be based on (~~5.0~~) 7.0 percent of each school  
35 district's full-time equivalent basic education enrollment. The  
36 minimum allocation for the programs shall provide resources to  
37 provide, on a statewide average, 2.1590 hours per week in extra  
38 instruction with (~~fifteen~~) 15 highly capable program students per  
39 teacher.

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

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

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

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

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

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

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

1       **Sec. 11.** RCW 28A.150.260 and 2022 c 109 s 4 are each amended to  
2 read as follows:

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

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

12       (2)(a) The distribution formula under this section shall be for  
13 allocation purposes only. Except as may be required under subsections  
14 (4)(b) and (c), (5)(b), and (9) of this section, chapter 28A.155,  
15 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations,  
16 nothing in this section requires school districts to use basic  
17 education instructional funds to implement a particular instructional  
18 approach or service. Nothing in this section requires school  
19 districts to maintain a particular classroom teacher-to-student ratio  
20 or other staff-to-student ratio or to use allocated funds to pay for  
21 particular types or classifications of staff. Nothing in this section  
22 entitles an individual teacher to a particular teacher planning  
23 period.

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

37       (3)(a) To the extent the technical details of the formula have  
38 been adopted by the legislature and except when specifically provided  
39 as a school district allocation, the distribution formula for the  
40 basic education instructional allocation shall be based on minimum

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

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

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

24 (ii) A prototypical middle school has (~~four hundred thirty two~~)  
25 432 average annual full-time equivalent students in grades seven and  
26 eight; and

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

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

	General education average class size
37	
38	
39	
Grades K-3. . . . .	17.00

1	Grade 4. . . . .	27.00
2	Grades 5-6. . . . .	27.00
3	Grades 7-8. . . . .	28.53
4	Grades 9-12. . . . .	28.74

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

14		Laboratory science
15		average class size
16	Grades 9-12. . . . .	19.98

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

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

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

27		Career and technical
28		education average
29		class size
30	Approved career and technical education offered at	
31	the middle school and high school level. . . . .	(( <del>23.00</del> )) <u>19.00</u>
32	Skill center programs meeting the standards established	
33	by the office of the superintendent of public	
34	instruction. . . . .	(( <del>19.00</del> )) <u>16.00</u>

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

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

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

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

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

	Elementary School	Middle School	High School
9 Principals, assistant principals, and other certificated building-level			
10 administrators.....	1.253	1.353	1.880
11 Teacher-librarians, a function that includes information literacy, technology,			
12 and media to support school library media programs.....	0.663	0.519	0.523
13 Teaching assistance, including any aspect of educational instructional services			
14 provided by classified employees.....	0.936	0.700	0.652
15 Office support and other noninstructional aides.....	2.012	2.325	3.269
16 Custodians.....	1.657	1.942	2.965
17 Nurses.....	0.585	0.888	0.824
18 Social workers.....	0.311	0.088	0.127
19 Psychologists.....	0.104	0.024	0.049
20 Counselors.....	0.993	1.716	3.039
21 Classified staff providing student and staff safety.....	0.079	0.092	0.141
22 Parent involvement coordinators.....	0.0825	0.00	0.00

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

32 (ii) The superintendent must adopt rules to implement this  
 33 subsection (5) (b) and the rules must require school districts to  
 34 prioritize funding allocated as required by (b) (i) of this subsection  
 35 for physical, social, and emotional support staff who hold a valid

1 educational staff associate certificate appropriate for the staff's  
2 role.

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

9 (6)(a) The minimum staffing allocation for each school district  
10 to provide district-wide support services shall be allocated per  
11 (~~one thousand~~) 1,000 annual average full-time equivalent students  
12 in grades K-12 as follows:

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

16  
17  
18 (b) The minimum allocation of staff units for each school  
19 district to support certificated and classified staffing of central  
20 administration shall be 5.30 percent of the staff units generated  
21 under subsections (4)(a) and (5) of this section and (a) of this  
22 subsection.

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

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

	Per annual average full-time equivalent student in grades K-12
33 Technology. . . . .	\$130.76
34 Utilities and insurance. . . . .	\$355.30
35 Curriculum and textbooks. . . . .	\$140.39
36 Other supplies . . . . .	\$278.05



1	Library materials. . . . .	\$20.00
2	Instructional professional development for certificated and	
3	classified staff. . . . .	\$21.71
4	Facilities maintenance. . . . .	\$176.01
5	Security and central office administration. . . . .	\$121.94

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

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

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

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

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

- 34 (a) (i) To provide supplemental instruction and services for
- 35 students who are not meeting academic standards through the learning
- 36 assistance program under RCW 28A.165.005 through 28A.165.065,
- 37 allocations shall be based on the greater of either: The district
- 38 percentage of students in kindergarten through grade (~~twelve~~) 12
- 39 who were eligible for free or reduced-price meals for the school year

1 immediately preceding the district's participation, in whole or part,  
2 in the United States department of agriculture's community  
3 eligibility provision, or the district percentage of students in  
4 grades K-12 who were eligible for free or reduced-price meals in the  
5 prior school year. The minimum allocation for the program shall  
6 provide for each level of prototypical school resources to provide,  
7 on a statewide average, 2.3975 hours per week in extra instruction  
8 with a class size of (~~(fifteen)~~) 12 learning assistance program  
9 students per teacher.

10 (ii) In addition to funding allocated under (a)(i) of this  
11 subsection, to provide supplemental instruction and services for  
12 students who are not meeting academic standards in qualifying  
13 schools. A qualifying school means a school in which the three-year  
14 rolling average of the prior year total annual average enrollment  
15 that qualifies for free or reduced-price meals equals or exceeds  
16 (~~(fifty)~~) 50 percent or more of its total annual average enrollment.  
17 A school continues to meet the definition of a qualifying school if  
18 the school: Participates in the United States department of  
19 agriculture's community eligibility provision; and met the definition  
20 of a qualifying school in the year immediately preceding their  
21 participation. The minimum allocation for this additional high  
22 poverty-based allocation must provide for each level of prototypical  
23 school resources to provide, on a statewide average, (~~(1.1)~~) 1.15  
24 hours per week in extra instruction with a class size of (~~(fifteen)~~)  
25 12 learning assistance program students per teacher, under RCW  
26 28A.165.055, school districts must distribute the high poverty-based  
27 allocation to the schools that generated the funding allocation.

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

1 for students needing more intensive intervention and a commensurate  
2 reduced allocation for students needing less intensive intervention,  
3 as detailed in the omnibus appropriations act.

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

15 (c) To provide additional allocations to support programs for  
16 highly capable students under RCW 28A.185.010 through 28A.185.030,  
17 allocations shall be based on (~~5.0~~) 7.0 percent of each school  
18 district's full-time equivalent basic education enrollment. The  
19 minimum allocation for the programs shall provide resources to  
20 provide, on a statewide average, 2.1590 hours per week in extra  
21 instruction with (~~fifteen~~) 15 highly capable program students per  
22 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 NEW SECTION. **Sec. 12.** Section 10 of this act expires September  
23 1, 2024.

24 NEW SECTION. **Sec. 13.** Section 11 of this act takes effect  
25 September 1, 2024.

--- END ---