
SECOND SUBSTITUTE SENATE BILL 5882

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators Stanford, Wellman, Hunt, Pedersen, C. Wilson, Conway, Hasegawa, Kuderer, Nobles, Salomon, Shewmake, Valdez, and Van De Wege)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to increasing prototypical school staffing to
2 better meet student needs; amending RCW 28A.150.260 and 28A.400.007;
3 and creating new sections.

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

5 NEW SECTION. **Sec. 1.** Youth mental and behavioral health has
6 been a rising crisis for a decade. As youth grapple with new
7 pressures from social media and impacts of a pandemic, their needs
8 can manifest as disruptive behaviors in the school environment.
9 Teachers, counselors, administrators, and education support
10 professionals have identified the need to have more caring and
11 committed education staff in schools to meet the needs of students.

12 Education support professionals are vital team members in a
13 school and often directly support students. Educational staff
14 professionals drive students safely to school, provide one-on-one
15 individualized instruction for special education students, run small
16 group instruction for English language learners and for students
17 struggling with certain academic concepts, supervise and monitor
18 students before and after school, at lunch, and during recess,
19 provide physical and behavioral health services in schools, serve
20 lunches, keep buildings clean and maintained, and many other support

1 services that are essential to school operations and student
2 learning.

3 Therefore, to improve the individualized support for student
4 learning and behavioral needs, the legislature intends to increase
5 staffing allocations for paraprofessionals in instructional and
6 noninstructional roles. The intent of this additional funding is to
7 assist school districts in hiring additional support staff or
8 providing the staff they already employ with better wages.

9 **Sec. 2.** RCW 28A.150.260 and 2023 c 379 s 6 are each amended to
10 read as follows:

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

16 (1) The governor shall and the superintendent of public
17 instruction may recommend to the legislature a formula for the
18 distribution of a basic education instructional allocation for each
19 common school district.

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

32 (b) To promote transparency in state funding allocations, the
33 superintendent of public instruction must report state per-pupil
34 allocations for each school district for the general apportionment,
35 special education, learning assistance, transitional bilingual,
36 highly capable, and career and technical education programs. The
37 superintendent must report this information in a user-friendly format
38 on the main page of the office's website. School districts must
39 include a link to the superintendent's per-pupil allocations report

1 on the main page of the school district's website. In addition, the
2 budget documents published by the legislature for the enacted omnibus
3 operating appropriations act must report statewide average per-pupil
4 allocations for general apportionment and the categorical programs
5 listed in this subsection.

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

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

30 (i) A prototypical high school has 600 average annual full-time
31 equivalent students in grades nine through 12;

32 (ii) A prototypical middle school has 432 average annual full-
33 time equivalent students in grades seven and eight; and

34 (iii) A prototypical elementary school has 400 average annual
35 full-time equivalent students in grades kindergarten through six.

36 (4) (a) (i) The minimum allocation for each level of prototypical
37 school shall be based on the number of full-time equivalent classroom
38 teachers needed to provide instruction over the minimum required
39 annual instructional hours under RCW 28A.150.220 and provide at least
40 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 12 per full-time equivalent high school student multiplied by
14 a laboratory science course factor of 0.0833, based on the number of
15 full-time equivalent classroom teachers needed to provide instruction
16 over the minimum required annual instructional hours in RCW
17 28A.150.220, and providing at least one teacher planning period per
18 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. 19.00

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 50 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)(a) The minimum allocation for each level of prototypical
12 school 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 ((Teaching assistance)) <u>Paraeducators</u> , including any aspect of educational 19 instructional services provided by classified employees.	((0.936)) <u>1.012</u>	((0.700)) <u>0.776</u>	((0.652)) <u>0.728</u>
20 Office support and other noninstructional aides.	((2.012)) <u>2.088</u>	((2.325)) <u>2.401</u>	((3.269)) <u>3.345</u>
21 Custodians.	1.657	1.942	2.965
22 Nurses.	0.585	0.888	0.824
23 Social workers.	0.311	0.088	0.127
24 Psychologists.	0.104	0.024	0.049
25 Counselors.	0.993	1.716	3.039
26 Classified staff providing student and staff safety.	0.079	0.092	0.141
27 Parent involvement coordinators.	0.0825	0.00	0.00

32 (b)(i) The superintendent may only allocate funding, up to the
33 combined minimum allocations, for nurses, social workers,
34 psychologists, counselors, classified staff providing student and
35 staff safety, and parent involvement coordinators under (a) of this
36 subsection to the extent of and proportionate to a school district's

1 demonstrated actual ratios of: Full-time equivalent physical, social,
2 and emotional support staff to full-time equivalent students.

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

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

15 (c) The superintendent shall develop rules that require school
16 districts to use the additional funding provided under (a) of this
17 subsection to support increased staffing, prevent layoffs, or
18 increase salaries for the following staff types in the 2024-25 school
19 year: Paraeducators, office support, and noninstructional aides. The
20 superintendent shall collect data from school districts on how the
21 increased allocations are used.

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

	Staff per 1,000 K-12 students
26 Technology.	0.628
27 Facilities, maintenance, and grounds.	1.813
28 Warehouse, laborers, and mechanics.	0.332

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

34 (7) The distribution formula shall include staffing allocations
35 to school districts for career and technical education and skill
36 center administrative and other school-level certificated staff, as
37 specified in the omnibus appropriations act.
38
39

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

	Per annual average full-time equivalent student in grades 9-12
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 12;

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

5 (c) Preparatory career and technical education courses for
6 students in grades 11 and 12 offered through a skill center.

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

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

25 (ii) In addition to funding allocated under (a)(i) of this
26 subsection, to provide supplemental instruction and services for
27 students who are not meeting academic standards in qualifying
28 schools. A qualifying school, except as provided in (a)(iv) of this
29 subsection, means a school in which the three-year rolling average of
30 the prior year total annual average enrollment that qualifies for
31 free or reduced-price meals equals or exceeds 50 percent or more of
32 its total annual average enrollment. A school continues to meet the
33 definition of a qualifying school if the school: Participates in the
34 United States department of agriculture's community eligibility
35 provision; and met the definition of a qualifying school in the year
36 immediately preceding their participation. The minimum allocation for
37 this additional high poverty-based allocation must provide for each
38 level of prototypical school resources to provide, on a statewide
39 average, 1.1 hours per week in extra instruction with a class size of
40 15 learning assistance program students per teacher, under RCW

1 28A.165.055, school districts must distribute the high poverty-based
2 allocation to the schools that generated the funding allocation.

3 (iii) For the 2024-25 and 2025-26 school years, allocations under
4 (a)(i) of this subsection for school districts providing meals at no
5 charge to students under RCW 28A.235.135 that are not participating,
6 in whole or in part, in the United States department of agriculture's
7 community eligibility provision shall be based on the school district
8 percentage of students in grades K-12 who were eligible for free or
9 reduced-price meals in school years 2019-20 through 2022-23 or the
10 prior school year, whichever is greatest.

11 (iv) For the 2024-25 and 2025-26 school years, a school providing
12 meals at no charge to students under RCW 28A.235.135 that is not
13 participating in the department of agriculture's community
14 eligibility provision continues to meet the definition of a
15 qualifying school under (a)(ii) of this subsection if the school met
16 the definition during one year of the 2019-20 through 2022-23 school
17 years, or in the prior school year.

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

34 (ii) To provide supplemental instruction and services for
35 students who have exited the transitional bilingual program,
36 allocations shall be based on the head count number of students in
37 each school who have exited the transitional bilingual program within
38 the previous two years based on their performance on the English
39 proficiency assessment and are eligible for and enrolled in the
40 transitional bilingual instruction program under RCW

1 28A.180.040(1)(g). The minimum allocation for each prototypical
2 school shall provide resources to provide, on a statewide average,
3 3.0 hours per week in extra instruction with 15 exited students per
4 teacher.

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

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

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

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

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

32 (b) In the event the legislature rejects the distribution formula
33 recommended by the governor, without adopting a new distribution
34 formula, the distribution formula for the previous school year shall
35 remain in effect.

36 (c) The enrollment of any district shall be the annual average
37 number of full-time equivalent students and part-time students as
38 provided in RCW 28A.150.350, enrolled on the first school day of each
39 month, including students who are in attendance pursuant to RCW
40 28A.335.160 and 28A.225.250 who do not reside within the servicing

1 school district. The definition of full-time equivalent student shall
 2 be determined by rules of the superintendent of public instruction
 3 and shall be included as part of the superintendent's biennial budget
 4 request. The definition shall be based on the minimum instructional
 5 hour offerings required under RCW 28A.150.220. Any revision of the
 6 present definition shall not take effect until approved by the house
 7 ways and means committee and the senate ways and means committee.

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

11 **Sec. 3.** RCW 28A.400.007 and 2022 c 109 s 5 are each amended to
 12 read as follows:

13 (1) In addition to the staffing units in RCW 28A.150.260, the
 14 superintendent of public instruction must provide school districts
 15 with allocations for the following staff units if and to the extent
 16 that funding is specifically appropriated and designated for that
 17 category of staffing unit in the omnibus operating appropriations
 18 act.

19 (a) Additional staffing units for each level of prototypical
 20 school in RCW 28A.150.260:

	Elementary	Middle	High
	School	School	School
23 Principals, assistant principals, and other certificated building-level			
24 administrators.	0.0470	0.0470	0.0200
25 Teacher-librarians, a function that includes information literacy, technology,			
26 and media to support school library media programs.	0.3370	0.4810	0.4770
27 ((Teaching assistance)) <u>Paraeducators</u> , including any aspect of educational			
28 instructional services provided by classified employees.	((1.0640))	((0.3000))	((0.3480))
29	<u>0.988</u>	<u>0.224</u>	<u>0.272</u>
30 Office support and other noninstructional aides.	((0.9880))	((1.1750))	((0.2310))
31	<u>0.912</u>	<u>1.099</u>	<u>0.155</u>
32 Custodians.	0.0430	0.0580	0.0350
33 Classified staff providing student and staff safety.	0.0000	0.6080	1.1590
34 Parent involvement coordinators.	0.9175	1.0000	1.0000

(b) Additional certificated instructional staff units sufficient to achieve the following reductions in class size in each level of prototypical school under RCW 28A.150.260:

General education
certificated instructional
staff units sufficient to
achieve class size reduction of:

Grades K-3 class size.	0.00
Grade 4.	2.00
Grades 5-6.	2.00
Grades 7-8.	3.53
Grades 9-12.	3.74
CTE.	4.00
Skills.	3.00

High poverty
certificated instructional
staff units sufficient to
achieve class size reduction of:

Grades K-3 class size.	2.00
Grade 4.	5.00
Grades 5-6.	4.00
Grades 7-8.	5.53
Grades 9-12.	5.74

(2) The staffing units in subsection (1) of this section are an enrichment to and are beyond the state's statutory program of basic education in RCW 28A.150.220 and 28A.150.260. However, if and to the extent that any of these additional staffing units are funded by specific reference to this section in the omnibus operating appropriations act, those units become part of prototypical school funding formulas and a component of the state funding that the legislature deems necessary to support school districts in offering the statutory program of basic education under Article IX, section 1 of the state Constitution.

NEW SECTION. **Sec. 4.** The state must provide the full school year amount for paraeducators, including any aspect of educational instructional services provided by classified employees, and office support and other noninstructional aides provided in this act, for the 2023-24 school year. The first month's distribution of additional

1 amounts provided under this act in the 2023-24 school year must be a
2 proportion of the total annual additional amount provided in this act
3 equal to the sum of the proportional shares under RCW 28A.510.250
4 from September 2023 to the first month's distribution. Staff units
5 for nurses, social workers, psychologists, and counselors in this
6 act, above those provided in section 5, chapter 379, Laws of 2023 may
7 not be allocated until the 2024-25 school year.

8 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
9 this act, referencing this act by bill or chapter number, is not
10 provided by June 30, 2024, in the omnibus appropriations act, this
11 act is null and void.

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