
SENATE BILL 5966

State of Washington

68th Legislature

2024 Regular Session

By Senators C. Wilson and Wellman

Prefiled 01/04/24.

1 AN ACT Relating to restraint or isolation of students in public
2 schools and educational programs; amending RCW 28A.600.485,
3 28A.600.486, 28A.155.210, 28A.150.260, and 28A.400.007; adding new
4 sections to chapter 28A.600 RCW; adding a new section to chapter
5 28A.300 RCW; creating a new section; providing an effective date; and
6 providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.600
9 RCW to read as follows:

10 The definitions in this section apply throughout RCW 28A.600.485,
11 28A.600.486, 28A.155.210, 28A.150.260, 28A.400.007, and sections 4
12 through 7 of this act unless the context clearly requires otherwise.

13 (1) "Calming space" means an area, space, or room that provides a
14 student with an opportunity for self-calming, where the student is
15 separated from others for a limited period, in a setting that is
16 staff-monitored and from which the student may leave at any time. Use
17 of a calming space could be at the recommendation of staff or self-
18 initiated by the student.

19 (2) "Chemical restraint" means a drug or chemical administered by
20 staff to a student to control the student's behavior or restrict the
21 student's freedom of movement that is not: (a) Prescribed by a

1 licensed health professional acting within the scope of the practice
2 of that health profession for the standard treatment of a student's
3 medical or psychiatric condition; (b) administered by a licensed
4 health professional acting within the scope of the practice of that
5 health profession; or (c) administered in accordance with the
6 student's medical or psychiatric treatment plan.

7 (3) "Educational service" means instruction and other activities
8 delivered or sponsored by a school district or other provider of
9 public educational services, for example: General education services;
10 special education services; medical services; safety and security
11 services; transportation services; and any developmental, corrective,
12 or other supportive services necessary for a student eligible for
13 special education services to benefit from special education
14 services.

15 (4) "Imminent" means the state or condition of being likely to
16 occur at any moment or near at hand, rather than distant or remote.

17 (5) "Isolation," also known as seclusion, means the involuntary
18 separation of a student from other students, by staff, in an enclosed
19 area, whether within or outside a classroom, and from which the
20 student is not free to leave. "Isolation" does not include (a) a
21 student spending time away from the classroom in a calming space, (b)
22 a room clear, or (c) a removable partition within a classroom for the
23 purpose of temporarily separating a student from the rest of the
24 classroom for a short period of time in order to promote and maintain
25 an environment conducive to learning for all students in the
26 classroom and which still allows the student to be in the line of
27 sight of staff in the classroom.

28 (6) "Likelihood of serious harm" means a substantial risk that
29 harm will be inflicted by the student upon the student's own person,
30 as evidenced by threats or attempts to commit suicide, or inflict
31 harm on oneself; or harm will be inflicted by the student upon
32 another, as evidenced by behavior that places another person or
33 persons in reasonable fear of sustaining such harm.

34 (7) "Mechanical restraint" means staff use of a device to
35 restrict a student's freedom of movement. "Mechanical restraint" does
36 not include a device used by staff or a student: (a) As prescribed by
37 a licensed health professional acting within the scope of the
38 practice of that health profession; (b) as documented in a student's
39 individualized education program under part B of the federal
40 individuals with disabilities education act, Title 20 U.S.C. Sec.

1 1400 et seq. or a student's plan developed under section 504 of the
2 rehabilitation act of 1973; or (c) for a specific therapeutic,
3 orthopedic, or medical purpose, when used for its designed purpose.
4 "Mechanical restraint" also does not include the use of vehicle
5 safety restraints when used as intended during the transport of a
6 student in a moving vehicle.

7 (8) "Physical escort" means the temporary touching or holding of
8 a student's hand, wrist, arm, shoulder, or back by staff for the
9 purpose of directing the student to a safe or otherwise appropriate
10 location.

11 (9) "Physical prompt" means a teaching technique used by staff
12 that involves voluntary physical contact with a student for the
13 purpose of enabling the student to learn or model the physical
14 movement necessary for the development of a desired competency.

15 (10) "Physical restraint" means physical contact by one or more
16 staff that immobilizes or reduces the ability of a student to move
17 the student's arms, legs, torso, or head freely. "Physical restraint"
18 does not include chemical restraint, mechanical restraint, physical
19 escort, or physical prompt.

20 (11) "Provider of public educational services" means any entity
21 that directly operates, or provides educational services under
22 contract to, an elementary or secondary school program that receives
23 public funds from the office of the superintendent of public
24 instruction. "Provider of public educational services" includes a
25 school district, a public school as defined in RCW 28A.150.010, an
26 educational service district, an institutional education provider as
27 defined in RCW 28A.190.005, a public agency or private entity
28 providing educational services under contract with any other provider
29 of public educational services, an authorized entity as defined in
30 RCW 28A.300.690, and any providers of services in accordance with
31 part B of the federal individuals with disabilities education act,
32 Title 20 U.S.C. Sec. 1400 et seq. In addition, "provider of public
33 educational services" includes the state school for the blind and the
34 Washington center for deaf and hard of hearing youth established
35 under RCW 72.40.010.

36 (12) "Restraint" includes chemical restraint, mechanical
37 restraint, and physical restraint.

38 (13) "Room clear" means the procedure used by staff in an
39 emergency to direct all students, except for any students causing the
40 emergency, to leave a room.

1 (14) "Staff" means an employee or contractor of a school district
2 or other provider of public educational services. "Staff" does not
3 include licensed or certified health professionals of inpatient
4 health care facilities.

5 (15) "Students" means children and youth served by a school
6 district or other provider of public educational services.

7 **Sec. 2.** RCW 28A.600.485 and 2015 c 206 s 3 are each amended to
8 read as follows:

9 ~~(1) ((The definitions in this subsection apply throughout this~~
10 ~~section unless the context clearly requires otherwise.~~

11 ~~(a) "Isolation" means restricting the student alone within a room~~
12 ~~or any other form of enclosure, from which the student may not leave.~~
13 ~~It does not include a student's voluntary use of a quiet space for~~
14 ~~self-calming, or temporary removal of a student from his or her~~
15 ~~regular instructional area to an unlocked area for purposes of~~
16 ~~carrying out an appropriate positive behavior intervention plan.~~

17 ~~(b) "Restraint" means physical intervention or force used to~~
18 ~~control a student, including the use of a restraint device to~~
19 ~~restrict a student's freedom of movement. It does not include~~
20 ~~appropriate use of a prescribed medical, orthopedic, or therapeutic~~
21 ~~device when used as intended, such as to achieve proper body~~
22 ~~position, balance, or alignment, or to permit a student to safely~~
23 ~~participate in activities.~~

24 ~~(c) "Restraint device" means a device used to assist in~~
25 ~~controlling a student, including but not limited to metal handcuffs,~~
26 ~~plastic ties, ankle restraints, leather cuffs, other hospital-type~~
27 ~~restraints, pepper spray, tasers, or batons. Restraint device does~~
28 ~~not mean a seat harness used to safely transport students. This~~
29 ~~section shall not be construed as encouraging the use of these~~
30 ~~devices.~~

31 ~~(2))~~ The provisions of this section apply to all students,
32 including those who have an individualized education program or plan
33 developed under section 504 of the rehabilitation act of 1973. The
34 provisions of this section apply only to incidents of restraint or
35 isolation that occur while a student is ~~((participating in school-~~
36 ~~sponsored instruction or activities))~~ receiving educational services.

37 ~~((3(a)))~~ (2) An individualized education program or plan
38 developed under section 504 of the rehabilitation act of 1973 must
39 not include the use of restraint or isolation as a planned behavior

1 intervention unless a student's individual needs require more
2 specific advanced educational planning and the student's parent or
3 guardian agrees. All other plans may refer to the district policy
4 developed under ~~((subsection (3)(b) of this section))~~ RCW
5 28A.600.486. Nothing in this section is intended to limit the
6 provision of a free appropriate public education under Part B of the
7 federal individuals with disabilities education improvement act or
8 section 504 of the federal rehabilitation act of 1973.

9 ~~((b) Restraint or isolation of any student is permitted only~~
10 ~~when reasonably necessary to control spontaneous behavior that poses~~
11 ~~an imminent likelihood of serious harm, as defined in RCW 70.96B.010.~~
12 ~~Restraint or isolation must be closely monitored to prevent harm to~~
13 ~~the student, and must be discontinued as soon as the likelihood of~~
14 ~~serious harm has dissipated. Each school district shall adopt a~~
15 ~~policy providing for the least amount of restraint or isolation~~
16 ~~appropriate to protect the safety of students and staff under such~~
17 ~~circumstances.~~

18 ~~(4))~~ (3) The staff of any school district or other provider of
19 public educational services may not subject any student to the
20 following during the provision of educational services:

21 (a) Corporal punishment as prohibited by RCW 28A.150.300;

22 (b) Chemical restraint;

23 (c) Mechanical restraint;

24 (d) Physical restraint or physical escort that is life-
25 threatening, restricts breathing, or restricts blood flow to the
26 brain, including prone, supine, and wall restraints;

27 (e) Isolation or physical restraint that is contraindicated based
28 on the student's disability or health care needs or medical or
29 psychiatric condition as documented in:

30 (i) A health care directive or medical management plan;

31 (ii) An individualized education program under part B of the
32 federal individuals with disabilities education act, Title 20 U.S.C.
33 Sec. 1400 et seq.; or

34 (iii) A plan developed under section 504 of the federal
35 rehabilitation act of 1973; and

36 (f) Noxious spray and other aversive intervention as prohibited
37 in rule of the office of the superintendent of public instruction.

38 (4) Except as provided in subsection (5) of this section, the
39 staff of any school district or other provider of public educational

1 services may use physical restraint or isolation during the provision
2 of educational services only when:

3 (a) The restraint or isolation of the student is closely
4 monitored and ends immediately upon the cessation of the imminent
5 likelihood of serious harm to the student or to others;

6 (b) The least amount of force necessary is used to protect the
7 student or another person from an imminent likelihood of serious harm
8 to the student or to others;

9 (c) Staff reasonably believes the student's behavior poses an
10 imminent likelihood of serious harm to the student or to others; and

11 (d) Staff reasonably believes that less restrictive interventions
12 would be ineffective in stopping the imminent likelihood of serious
13 harm to the student or to others.

14 (5) The staff of any school district or other provider of public
15 educational services may use a temporary physical restraint during
16 the provision of educational services when:

17 (a) The restraint is used to interrupt a student's impulsive
18 behavior that threatens the student's immediate safety or safety of
19 others; or

20 (b) The restraint is used to protect oneself or another from an
21 assault, injury, or sexual contact and involves the minimum physical
22 contact necessary for protection.

23 (6) Following the release of a student from the use of restraint
24 or isolation, the school or other provider of public educational
25 services must implement follow-up procedures. These procedures must
26 include: (a) Reviewing the incident with the student and the parent
27 or guardian to address the behavior that precipitated the restraint
28 or isolation and the appropriateness of the response; and (b)
29 reviewing the incident with the staff member who administered the
30 restraint or isolation to discuss whether proper procedures were
31 followed and what training or support the staff member needs to help
32 the student avoid similar incidents.

33 ~~((5) Any school employee, resource officer, or school security~~
34 ~~officer who uses isolation or restraint on a student during school-~~
35 ~~sponsored instruction or activities must inform the building~~
36 ~~administrator or building administrator's designee as soon as~~
37 ~~possible,)) (7) Any staff, including safety and security staff as
38 defined in RCW 28A.320.124, who uses restraint or isolation on a
39 student who is receiving educational services must inform the
40 principal, other building administrator, or designee, of the provider~~

1 of public educational services immediately following the release of
2 the student from restraint or isolation and within two business days
3 submit a written report of the incident to the ~~((district office))~~
4 incident review team as described in section 4 of this act and the
5 school district superintendent or other chief administrator of the
6 provider of public educational services. The written report must
7 include, at a minimum, the following information:

8 (a) The date ~~((and))~~ time, duration, and location of the
9 incident;

10 (b) The name and job title of the individuals who
11 ~~((administered))~~ used or directed the use of the restraint or
12 isolation and any staff who observed the incident;

13 (c) A description of the ~~((activity that led to the restraint or~~
14 ~~isolation))~~ relevant events that occurred before, during, and after
15 the incident, including any less restrictive interventions attempted,
16 including any de-escalation attempts;

17 (d) The type of restraint or isolation used on the student ~~((7~~
18 ~~including the duration))~~;

19 ~~((Whether the student or staff was physically injured during~~
20 ~~the restraint or isolation incident and any medical care provided;~~
21 ~~and~~

22 ~~((f))~~ Any known physical injuries or psychological trauma
23 experienced by the student or staff due to the incident, including
24 whether medical care was sought or received, and whether staff
25 requested or used leave benefits;

26 (f) Whether the student who was isolated or restrained has an
27 individualized education program and, if so, whether the program or
28 plan was followed; and

29 (g) Any recommendations for changing the nature or amount of
30 resources available to the student and staff members in order to
31 avoid similar incidents.

32 ~~((6) The principal or principal's designee))~~ (8) The principal,
33 other building administrator, or designee, of the provider of public
34 educational services must make a reasonable effort to verbally inform
35 the student's parent or guardian within ~~((twenty-four))~~ 24 hours of
36 the incident, and must send written notification as soon as practical
37 but postmarked no later than five business days after the restraint
38 or isolation occurred. If the school or school district customarily
39 provides the parent or guardian with school-related information in a

1 language other than English, the written report under this section
2 must be provided to the parent or guardian in that language.

3 ~~((7)(a) Beginning January 1, 2016, and by January 1st annually))~~
4 (9)(a) Annually, by January 1st, each school district superintendent
5 or chief administrator of a provider of public educational services
6 shall summarize the written reports received under subsection ~~((5))~~
7 (7) of this section and submit the summaries to the office of the
8 superintendent of public instruction. For each school, the school
9 district or other provider of public educational services shall
10 include the number of individual incidents of restraint and
11 isolation, the number of students involved in the incidents, the
12 number of injuries to students and staff, and the types of restraint
13 or isolation used. The summaries submitted must be disaggregated for
14 purposes of trend analyses, for example, by the student categories
15 and subcategories provided under RCW 28A.300.042 (1) and (3), student
16 gender, students who are dependent pursuant to chapter 13.34 RCW,
17 students who are homeless as defined in RCW 43.330.702, students who
18 are multilingual/English learners, status as a student with a parent
19 who is a member of the armed forces, by school or other applicable
20 unit, by staff job title, by contractor, and by incident type.

21 (b) No later than ~~((ninety))~~ 90 days after receipt, the office of
22 the superintendent of public instruction shall publish to its website
23 the data received by the districts. The office of the superintendent
24 of public instruction may use this data to investigate the training,
25 practices, and other efforts used by schools and districts to reduce
26 the use of restraint and isolation.

27 (10) Neither a student nor the student's parent or legal guardian
28 may consent, or be asked to consent, to the use of restraint or
29 isolation that is prohibited under this section. In accordance with
30 section 1 (2) and (7) of this act, this subsection does not apply to
31 chemical restraint or mechanical restraint that is prescribed or
32 administered as it relates to a student's health or is documented in
33 a student's individualized education program or a student's 504 plan.

34 (11) Nothing in this section prohibits a school resource officer
35 as defined in RCW 28A.320.124 from carrying out the lawful duties of
36 a commissioned law enforcement officer.

37 **Sec. 3.** RCW 28A.600.486 and 2013 c 202 s 4 are each amended to
38 read as follows:

1 (1) Each school district board of directors or other governing
2 body of a provider of public educational services shall adopt a
3 student restraint and isolation policy and procedures that:

4 (a) Meets the requirements of this section and RCW 28A.600.485
5 and section 4 of this act; and

6 (b) Ensures that following a student's release from restraint or
7 isolation, the student is provided with an opportunity to meet with a
8 counselor, nurse, psychologist, or social worker no later than three
9 days after the incident to reflect, process, and recover.

10 (2) The school district board of directors or other governing
11 body of a provider of public educational services shall review and
12 revise, as necessary, its student restraint and isolation policy and
13 procedures with input from staff, students, students' families,
14 advocacy organizations, and other appropriate members of the
15 community.

16 (3) On an annual basis, the school district board of directors or
17 other governing body of a provider of public educational services
18 shall monitor the impact of the policy and procedures adopted under
19 this section by, at a minimum: (a) Performing trend analyses using
20 the summary of incident reports prepared by the school district
21 superintendent; and (b) reviewing the professional development plan
22 and updates prepared under section 6 of this act.

23 (4) Beginning in the 2026-27 school year, each member of a school
24 district board of directors or other governing body of a provider of
25 public educational services shall complete the training program on
26 student restraint and isolation developed under section 5 of this
27 act. Members of a school district board of directors must complete
28 the training program at least once during every four-year term.

29 (5) Parents and guardians of children who have individualized
30 education programs or plans developed under section 504 of the
31 rehabilitation act of 1973 must be provided a copy of the (~~district~~
32 policy on the use of isolation and restraint)) policy and procedures
33 adopted in accordance with this section at the time that the program
34 or plan is created.

35 NEW SECTION. Sec. 4. A new section is added to chapter 28A.600
36 RCW to read as follows:

37 (1) Each school district or provider of public educational
38 services shall develop an incident review process that must be
39 completed after each incident of restraint or isolation. This process

1 must be included in the policy and procedures adopted under RCW
2 28A.600.486. The purpose of this process is to improve future
3 processes and develop appropriate supports for staff and not intended
4 to be used for disciplinary purposes.

5 (2) The incident review process must include the following, at a
6 minimum:

7 (a) Establishment of an incident review team of staff to review
8 every incident of restraint or isolation using a systems improvement
9 approach that focuses on supporting staff to use less restrictive
10 interventions as alternatives to restraint and isolation;

11 (b) A requirement that the student and student's parent or legal
12 guardian is provided an opportunity within five business days of
13 submission of the incident report to review and discuss the incident
14 and the relevant events that occurred before, during, and after the
15 incident with the principal, other building administrator, or
16 designee, of the provider of public educational services;

17 (c) A process for the parents or legal guardians of the student
18 to submit written comments to the incident review team;

19 (d) A requirement that the staff who used, or directed the use
20 of, restraint or isolation meets with the incident review team in
21 order to:

22 (i) Have an opportunity to reflect, process, and recover;

23 (ii) Determine whether the proper process was followed; and

24 (iii) Identify additional training, coaching, assistance, or
25 other strategies that may support the staff who used, or directed the
26 use of, restraint or isolation to use less restrictive interventions
27 in similar situations in the future; and

28 (e) A requirement that the review team consider whether further
29 support services should be made available to the student.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300
31 RCW to read as follows:

32 (1) By July 1, 2026, the office of the superintendent of public
33 instruction shall make available a sample professional development
34 plan and technical assistance manual to meet the requirements in
35 section 6 of this act. The office of the superintendent of public
36 instruction shall, to the extent it is available, use data gathered
37 from the demonstration projects authorized in section 501(4)(mm),
38 chapter 475, Laws of 2023. The plan shall include a recommended
39 timeline for district implementation of professional development for

1 all educational and support services staff and must include a list of
2 available programs and resources for professional development on the
3 following topics:

4 (a) State law related to restraint and isolation including the
5 policy and procedures requirements of RCW 28A.600.486;

6 (b) Evidence-based, trauma-informed, student-centered, proactive
7 crisis prevention and intervention practices that are less
8 restrictive than restraint and isolation, such as de-escalation
9 strategies and corresponding classroom management techniques;

10 (c) Evidence-based, trauma-informed, behavioral health supports
11 for students and staff that include restorative practices; and

12 (d) Evidence-based, systemic approaches to eliminating the use of
13 prohibited restraint and isolation under RCW 28A.600.485(3), to
14 reduce the use of restraint and isolation permitted under RCW
15 28A.600.485(4), and to eliminate disparities in the use of restraint
16 and isolation, such as multitiered systems of support and universal
17 design for learning.

18 (2) By July 1, 2025, the office of the superintendent of public
19 instruction shall develop and periodically update a training program
20 on student restraint and isolation for school district boards of
21 directors to meet the requirements in RCW 28A.600.486.

22 (a) At a minimum, the training program required under this
23 subsection must include the following content:

24 (i) The legal prohibitions and limitations on the use of
25 restraint and isolation on students provided under RCW 28A.600.485;

26 (ii) The social-emotional and physical impacts to students and
27 staff resulting from the use of restraint and isolation rather than
28 trauma-informed interventions, such as de-escalation strategies and
29 student-centered, restorative practices;

30 (iii) Options for supporting system improvement by reprioritizing
31 resources; and

32 (iv) Best practices for developing a professional development
33 plan that meets the requirements of this section.

34 (b) The training program must be developed and updated in
35 partnership with the Washington state school directors' association.

36 (c) The training program must be made available at no cost to
37 school district boards of directors, the governing bodies of other
38 providers of public educational services, and the Washington state
39 school directors' association.

1 (3) The office of the superintendent of public instruction shall
2 adopt rules under chapter 34.05 RCW for the implementation of this
3 section and sections 1, 4, and 6 of this act and RCW 28A.600.485 and
4 28A.600.486.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.600
6 RCW to read as follows:

7 (1) Beginning August 1, 2027, each school district board of
8 directors or other governing body of a provider of public educational
9 services shall adopt an all-staff professional development plan and
10 timeline for building a school-level and district-level educational
11 system that supports students in distress and helps prevent crisis
12 escalation cycles that may result in use of restraint or isolation.

13 (a) The professional development plan must be submitted to the
14 office of the superintendent of public instruction and shall provide
15 updates on the implementation of its plan annually through August 31,
16 2032.

17 (b) The plan and any updates must describe the professional
18 development that will be provided to staff during the following
19 school year. Any professional development programs and resources
20 provided to staff must be selected from the list developed by the
21 office of the superintendent of public instruction under section 5 of
22 this act.

23 (2) When a school district or other provider of public
24 educational services is not making sufficient progress towards the
25 goals established in its professional development plan submitted
26 under this section or when disparities in use of restraint or
27 isolation are identified in a district's incident report data
28 submitted under RCW 28A.600.485, the office of the superintendent of
29 public instruction shall place the school district or other provider
30 of public educational services on a plan of improvement. Under a plan
31 of improvement, the office of the superintendent of public
32 instruction shall provide targeted technical assistance, including
33 annual site visits, until the school district or other provider of
34 public educational services meets its professional development plan
35 goals, or eliminates disparities in the use of restraint or
36 isolation, or both.

37 (3) Beginning November 1, 2027, and each November of every odd-
38 numbered year through November 2033, and in compliance with RCW
39 43.01.036, the office of the superintendent of public instruction

1 shall report to the appropriate committees of the legislature with a
2 summary of its activities to monitor and support the compliance with
3 requirements related to restraint and isolation. The report must
4 describe the progress that has been made towards providing
5 professional development to staff. The report must also highlight
6 exemplar school districts and other providers of public educational
7 services using best practices to eliminate the use of restraint and
8 isolation.

9 NEW SECTION. **Sec. 7.** (1) By December 1, 2025, and in compliance
10 with RCW 43.01.036, the Washington professional educator standards
11 board and the paraeducator board must jointly submit to the
12 appropriate committees of the legislature a plan for integrating into
13 educator preparation programs and paraeducator certificate
14 requirements instruction requirements related to student restraint
15 and isolation under this act and instruction in de-escalation and
16 positive behavioral intervention strategies that educators can use in
17 the classroom to help prevent the need to use restraint and
18 isolation.

19 (2) This section expires June 30, 2026.

20 **Sec. 8.** RCW 28A.155.210 and 2023 c 436 s 7 are each amended to
21 read as follows:

22 (1) A student's individualized education program must include
23 procedures for notification of, and incident review with, a parent or
24 legal guardian regarding the use of restraint or isolation under RCW
25 28A.600.485. If a student is placed in an authorized entity under RCW
26 28A.155.060, the student's individualized education program must also
27 specify any additional procedures required to ensure the authorized
28 entity fully complies with RCW 28A.600.485.

29 (2) Parents and guardians of children who have individualized
30 education programs or plans developed under section 504 of the
31 rehabilitation act of 1973 must be provided a copy of the policy and
32 procedures in accordance with RCW 28A.600.486.

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

35 The purpose of this section is to provide for the allocation of
36 state funding that the legislature deems necessary to support school
37 districts in offering the minimum instructional program of basic

1 education under RCW 28A.150.220. The allocation shall be determined
2 as follows:

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

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

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

32 (3)(a) To the extent the technical details of the formula have
33 been adopted by the legislature and except when specifically provided
34 as a school district allocation, the distribution formula for the
35 basic education instructional allocation shall be based on minimum
36 staffing and nonstaff costs the legislature deems necessary to
37 support instruction and operations in prototypical schools serving
38 high, middle, and elementary school students as provided in this
39 section. The use of prototypical schools for the distribution formula
40 does not constitute legislative intent that schools should be

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

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

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

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

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

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

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

36 (ii) The minimum class size allocation for each prototypical high
37 school shall also provide for enhanced funding for class size
38 reduction for two laboratory science classes within grades nine
39 through 12 per full-time equivalent high school student multiplied by

1 a laboratory science course factor of 0.0833, based on the number of
2 full-time equivalent classroom teachers needed to provide instruction
3 over the minimum required annual instructional hours in RCW
4 28A.150.220, and providing at least one teacher planning period per
5 school day:

6		Laboratory science	
7		average class size	
8	Grades 9-12.		19.98

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

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

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

19		Career and technical	
20		education average	
21		class size	
22	Approved career and technical education offered at		
23	the middle school and high school level.		23.00
24	Skill center programs meeting the standards established		
25	by the office of the superintendent of public		
26	instruction.		19.00

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

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

31 (i) A high-poverty average class size in schools where more than
32 50 percent of the students are eligible for free and reduced-price
33 meals; and

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

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

	Elementary School	Middle School	High School
1 Principals, assistant principals, and other certificated building-level			
2 administrators.	1.253	1.353	1.880
3 Teacher-librarians, a function that includes information literacy, technology,			
4 and media to support school library media programs.	0.663	0.519	0.523
5 ((Teaching assistance)) <u>Paraeducators</u> , including any aspect of educational			
6 instructional services provided by classified employees.	((0.936))	((0.700))	((0.652))
7	<u>1.292</u>	<u>0.800</u>	<u>0.768</u>
8 Office support and other noninstructional aides.	2.012	2.325	3.269
9 Custodians.	1.657	1.942	2.965
10 Nurses.	0.585	0.888	0.824
11 Social workers.	0.311	0.088	0.127
12 Psychologists.	0.104	0.024	0.049
13 Counselors.	0.993	1.716	3.039
14 Classified staff providing student and staff safety.	0.079	0.092	0.141
15 Parent involvement coordinators.	0.0825	0.00	0.00

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

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

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

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

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

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

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

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

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

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus

1 appropriations act shall provide the following minimum allocation for
2 each annual average full-time equivalent student in grades nine
3 through 12 for the following materials, supplies, and operating
4 costs, to be adjusted annually for inflation:

	Per annual average full-time equivalent student in grades 9-12
5 Technology.	\$36.35
6 Curriculum and textbooks.	\$39.02
7 Other supplies	\$77.28
8 Library materials.	\$5.56
9 Instructional professional development for certificated and 10 classified staff.	\$6.04

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

- 15 (a) Exploratory career and technical education courses for
16 students in grades seven through 12;
- 17 (b) Preparatory career and technical education courses for
18 students in grades nine through 12 offered in a high school; and
- 19 (c) Preparatory career and technical education courses for
20 students in grades 11 and 12 offered through a skill center.

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

24 (a)(i) To provide supplemental instruction and services for
25 students who are not meeting academic standards through the learning
26 assistance program under RCW 28A.165.005 through 28A.165.065,
27 allocations shall be based on the greater of either: The district
28 percentage of students in kindergarten through grade 12 who were
29 eligible for free or reduced-price meals for the school year
30 immediately preceding the district's participation, in whole or part,
31 in the United States department of agriculture's community
32 eligibility provision, or the district percentage of students in
33 grades K-12 who were eligible for free or reduced-price meals in the
34 prior school year. The minimum allocation for the program shall,
35 except as provided in (a)(iii) of this subsection, provide for each
36 level of prototypical school resources to provide, on a statewide
37
38
39

1 average, 2.3975 hours per week in extra instruction with a class size
2 of 15 learning assistance program students per teacher.

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

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

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

36 (b)(i) To provide supplemental instruction and services for
37 students whose primary language is other than English, allocations
38 shall be based on the head count number of students in each school
39 who are eligible for and enrolled in the transitional bilingual
40 instruction program under RCW 28A.180.010 through 28A.180.080. The

1 minimum allocation for each level of prototypical school shall
2 provide resources to provide, on a statewide average, 4.7780 hours
3 per week in extra instruction for students in grades kindergarten
4 through six and 6.7780 hours per week in extra instruction for
5 students in grades seven through 12, with 15 transitional bilingual
6 instruction program students per teacher. Notwithstanding other
7 provisions of this subsection (10), the actual per-student allocation
8 may be scaled to provide a larger allocation for students needing
9 more intensive intervention and a commensurate reduced allocation for
10 students needing less intensive intervention, as detailed in the
11 omnibus appropriations act.

12 (ii) To provide supplemental instruction and services for
13 students who have exited the transitional bilingual program,
14 allocations shall be based on the head count number of students in
15 each school who have exited the transitional bilingual program within
16 the previous two years based on their performance on the English
17 proficiency assessment and are eligible for and enrolled in the
18 transitional bilingual instruction program under RCW
19 28A.180.040(1)(g). The minimum allocation for each prototypical
20 school shall provide resources to provide, on a statewide average,
21 3.0 hours per week in extra instruction with 15 exited students per
22 teacher.

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

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

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

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

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

10 (b) In the event the legislature rejects the distribution formula
11 recommended by the governor, without adopting a new distribution
12 formula, the distribution formula for the previous school year shall
13 remain in effect.

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

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

29 **Sec. 10.** RCW 28A.400.007 and 2022 c 109 s 5 are each amended to
30 read as follows:

31 (1) In addition to the staffing units in RCW 28A.150.260, the
32 superintendent of public instruction must provide school districts
33 with allocations for the following staff units if and to the extent
34 that funding is specifically appropriated and designated for that
35 category of staffing unit in the omnibus operating appropriations
36 act.

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

	Elementary School	Middle School	High School
1 Principals, assistant principals, and other certificated building-level			
2 administrators.	0.0470	0.0470	0.0200
3 Teacher-librarians, a function that includes information literacy, technology,			
4 and media to support school library media programs.	0.3370	0.4810	0.4770
5 ((Teaching assistance)) Paraeducators, including any aspect of educational	((1.0640))	((0.3000))	((0.3480))
6 instructional services provided by classified employees.	<u>0.7080</u>	<u>0.2000</u>	<u>0.2320</u>
7 Office support and other noninstructional aides.	0.9880	1.1750	0.2310
8 Custodians.	0.0430	0.0580	0.0350
9 Classified staff providing student and staff safety.	0.0000	0.6080	1.1590
10 Parent involvement coordinators.	0.9175	1.0000	1.0000

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

	General education certificated instructional staff units sufficient to achieve class size reduction of:
16 Grades K-3 class size.	0.00
17 Grade 4.	2.00
18 Grades 5-6.	2.00
19 Grades 7-8.	3.53
20 Grades 9-12.	3.74
21 CTE.	4.00
22 Skills.	3.00

	High poverty certificated instructional staff units sufficient to achieve class size reduction of:
23 Grades K-3 class size.	2.00
24 Grade 4.	5.00
25 Grades 5-6.	4.00
26 Grades 7-8.	5.53
27 Grades 9-12.	5.74

36 (2) The staffing units in subsection (1) of this section are an
37 enrichment to and are beyond the state's statutory program of basic

1 education in RCW 28A.150.220 and 28A.150.260. However, if and to the
2 extent that any of these additional staffing units are funded by
3 specific reference to this section in the omnibus operating
4 appropriations act, those units become part of prototypical school
5 funding formulas and a component of the state funding that the
6 legislature deems necessary to support school districts in offering
7 the statutory program of basic education under Article IX, section 1
8 of the state Constitution.

9 NEW SECTION. **Sec. 11.** Sections 9 and 10 of this act take effect
10 September 1, 2024.

--- END ---