
SUBSTITUTE HOUSE BILL 2261

State of Washington

61st Legislature

2009 Regular Session

By House Education Appropriations (originally sponsored by Representatives Sullivan, Priest, Hunter, Anderson, Maxwell, White, Quall, Lias, Dammeier, Rodne, Wallace, Pedersen, Kelley, Goodman, Springer, Hope, Nelson, Miloscia, Carlyle, Hunt, Morris, Morrell, Probst, Pettigrew, Eddy, Simpson, Kenney, Moeller, Smith, Condotta, McCoy, Kagi, Chase, Rolfes, Clibborn, Ormsby, Haler, and Cox)

READ FIRST TIME 03/03/09.

1 AN ACT Relating to education; amending RCW 28A.150.200,
2 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.380,
3 28A.150.410, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010,
4 28A.180.080, and 28A.225.200; adding new sections to chapter 28A.150
5 RCW; adding a new section to chapter 28A.500 RCW; adding a new section
6 to chapter 28A.655 RCW; creating new sections; repealing RCW
7 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, and
8 28A.155.180; providing an effective date; and providing an expiration
9 date.

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

11 NEW SECTION. **Sec. 1.** INTENT. (1) In enacting this legislation,
12 the legislature intends to fulfill its obligation under Article IX of
13 the Washington state Constitution to define and fund a program of basic
14 education for children residing in the state and attending public
15 schools. This act defines the educational opportunities that school
16 districts shall provide and for which the state shall allocate funding.

17 (2) The legislature also intends that the policies and allocation
18 formulas in this act fulfill the legislature's obligation under Article
19 IX to establish a general and uniform system of public schools. The

1 legislature finds that in some instances providing general and uniform
2 educational opportunity requires tailoring basic education allocations
3 to reflect certain needs and circumstances of each school district,
4 including district size, certain student characteristics, and regional
5 labor market differences. It is the intent of the legislature that
6 these allocation formulas address these differences in order to promote
7 equity and uniformity of educational opportunity.

8 (3) Public education in Washington State has evolved since the
9 enactment of the Washington basic education act of 1977. Student
10 demographics, educational technology, data, and standards-based
11 learning and assessment are only a few examples of factors affecting
12 education that have changed in the last thirty years. Decisions by the
13 courts have played a part in this evolution, as have studies and
14 research about education practices and education funding. The
15 legislature finds ample evidence of a need to redefine the program of
16 basic education that is funded by the state and delivered by school
17 districts to better align with the stated goals of a basic education
18 and to improve the transparency and accountability of how the state
19 meets its constitutional obligation under Article IX.

20 (4) For practical and educational reasons, wholesale change of the
21 program of basic education and the funding formulas to support it
22 cannot occur instantaneously. Financial experts must develop the
23 details of the funding formulas. New systems of educator
24 certification, evaluation, mentoring, and compensation must be
25 developed and implemented. Data and accountability systems must be
26 created. Significant increases in resources for staffing and class
27 size reduction will have detrimental impact on student learning if
28 school districts hire unprepared teachers and lack facilities to house
29 them. The legislature intends to adopt a schedule for the concurrent
30 implementation of the redefined program of basic education and the
31 resources necessary to support it, beginning in the 2011-12 school year
32 and phased in over a six-year time period.

33 NEW SECTION. **Sec. 2.** INTENT TO MAKE NECESSARY CORRECTIONS. It is
34 the intent of the legislature that the policies and allocation formulas
35 adopted under this act, including the implementation schedule for these
36 formulas, constitute the legislature's definition of basic education
37 under Article IX of the state Constitution. It is the further intent

1 of the legislature that these policies, formulas, and schedules should
2 not be revised or delayed other than for educational reasons. The
3 legislature intends, however, to continue to review and revise the
4 formulas and schedules and may make revisions for technical purposes
5 and consistency in the event of mathematical or other technical errors.

6 NEW SECTION. **Sec. 3.** STEERING COMMITTEE TO OVERSEE
7 IMPLEMENTATION. (1) The basic education steering committee is
8 established to monitor and oversee implementation of the new definition
9 of basic education. The steering committee shall be composed of the
10 following members:

11 (a) Four members of the house of representatives, with two members
12 representing each of the major caucuses and appointed by the speaker of
13 the house of representatives;

14 (b) Four members of the senate, with two members representing each
15 of the major caucuses and appointed by the president of the senate; and

16 (c) One representative each from the office of the governor, office
17 of the superintendent of public instruction, state board of education,
18 professional educator standards board, and department of early
19 learning.

20 (2) The chair or cochairs of the steering committee shall be
21 selected by the members of the committee.

22 (3) The steering committee shall monitor and oversee the following
23 technical working groups:

24 (a) The program and funding working group under section 109 of this
25 act;

26 (b) The early learning working group under section 110 of this act;

27 (c) The effective teaching and compensation working group under
28 section 202 of this act;

29 (d) The data working group under section 304 of this act; and

30 (e) The local funding working group under section 402 of this act.

31 (4) Each of the working groups shall submit a preliminary report to
32 the steering committee by November 15, 2009, and a final report by
33 September 1, 2010. The steering committee may also request updates and
34 progress reports from the office of the superintendent of public
35 instruction, the state board of education, the professional educator
36 standards board, and the department of early learning on the
37 implementation of this act.

1 (5) The steering committee shall submit an initial report to the
2 governor and the legislature by January 1, 2010, detailing its
3 recommendations based on analysis of reports from the working groups
4 and state agencies, including recommendations for resolving issues or
5 decisions requiring legislative action during the 2010 legislative
6 session, and recommendations for any funding necessary to continue
7 development and implementation of this act. The initial report from
8 the steering committee shall also contain a recommended schedule for
9 the concurrent phase-in of any changes in the instructional program of
10 basic education and the implementation of the funding formulas and
11 allocations to support the instructional program of basic education.
12 The objective of the schedule is to assure that increases in funding
13 allocations occur concurrently with increases in program and
14 instructional requirements.

15 (6) The steering committee shall submit subsequent reports to the
16 governor and the legislature by November 15, 2010, and annually
17 thereafter, ending November 15, 2016.

18 (7) Staff support for the basic education steering committee shall
19 be provided by the state agencies with representatives on the
20 committee, the senate committee services, and the office of program
21 research of the house of representatives. Legislative members of the
22 steering committee shall be reimbursed for travel expenses in
23 accordance with RCW 44.04.120.

24 (8) This section expires June 30, 2017.

25 **PART I**
26 **PROGRAM AND FUNDING OF BASIC EDUCATION**

27 **Sec. 101.** RCW 28A.150.200 and 1990 c 33 s 104 are each amended to
28 read as follows:

29 PROGRAM OF EDUCATION. (~~This 1977 amendatory act shall be known~~
30 ~~and may be cited as "The Washington Basic Education Act of 1977." The~~
31 ~~program evolving from the Basic Education Act shall include (1) the~~
32 ~~goal of the school system as defined in RCW 28A.150.210, (2) those~~
33 ~~program requirements enumerated in RCW 28A.150.220, and (3) the~~
34 ~~determination and distribution of state resources as defined in RCW~~
35 ~~28A.150.250 and 28A.150.260.~~

1 ~~The requirements of the Basic Education Act are))~~ (1) The program
2 of basic education established under this chapter is deemed by the
3 legislature to comply with the requirements of Article IX, section 1 of
4 the state Constitution, which states that "It is the paramount duty of
5 the state to make ample provision for the education of all children
6 residing within its borders, without distinction or preference on
7 account of race, color, caste, or sex," and ~~((are))~~ is adopted pursuant
8 to Article IX, section 2 of the state Constitution, which states that
9 "The legislature shall provide for a general and uniform system of
10 public schools."

11 (2) The legislature defines the program of basic education under
12 this chapter as:

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

15 (b) The program of education provided by chapter 28A.190 RCW for
16 students in residential schools as defined by RCW 28A.190.020 and for
17 juveniles in detention facilities as identified by RCW 28A.190.010;

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

21 (d) Transportation and transportation services to and from school
22 for eligible students as provided under RCW 28A.160.150 through
23 28A.160.180.

24 NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this
25 section apply throughout this chapter unless the context clearly
26 requires otherwise.

27 (1) "Basic education goal" means the student learning goals and the
28 student knowledge and skills described under RCW 28A.150.210.

29 (2) "Certificated administrative staff" means all those persons who
30 are chief executive officers, chief administrative officers,
31 confidential employees, supervisors, principals, or assistant
32 principals within the meaning of RCW 41.59.020(4).

33 (3) "Certificated employee" as used in this chapter and RCW
34 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,
35 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those
36 persons who hold certificates as authorized by rule of the Washington
37 professional educator standards board.

1 (4) "Certificated instructional staff" means those persons employed
2 by a school district who are nonsupervisory certificated employees
3 within the meaning of RCW 41.59.020(8).

4 (5) "Class size" means an instructional grouping of students where,
5 on average, the ratio of students to teacher is the number specified.

6 (6) "Classroom teacher" means a certificated instructional staff
7 person whose primary duty is the daily educational instruction of
8 students. In exceptional cases, people of unusual competence but
9 without certification may teach students so long as a certificated
10 person exercises general supervision, but the hiring of such classified
11 people shall not occur during a labor dispute, and such classified
12 people shall not be hired to replace certificated employees during a
13 labor dispute.

14 (7) "Instructional program of basic education" means the minimum
15 program required to be provided by school districts and includes
16 instructional hour requirements and other components under RCW
17 28A.150.220.

18 (8) "Program of basic education" means the overall program under
19 RCW 28A.150.200 and deemed by the legislature to comply with the
20 requirements of Article IX, section 1 of the state Constitution.

21 (9) "School day" means each day of the school year on which pupils
22 enrolled in the common schools of a school district are engaged in
23 academic and career and technical instruction planned by and under the
24 direction of the school.

25 (10) "School year" includes the minimum number of school days
26 required under RCW 28A.150.220 and begins on the first day of September
27 and ends with the last day of August, except that any school district
28 may elect to commence the annual school term in the month of August of
29 any calendar year and in such case the operation of a school district
30 for such period in August shall be credited by the superintendent of
31 public instruction to the succeeding school year for the purpose of the
32 allocation and distribution of state funds for the support of such
33 school district.

34 (11) "Teacher planning period" means a period of a school day as
35 determined by the administration and board of the directors of the
36 district that may be used by teachers for instruction-related
37 activities including but not limited to preparing instructional
38 materials; reviewing student performance; recording student data;

1 consulting with other teachers, instructional aides, mentors,
2 instructional coaches, administrators, and parents; or participating in
3 professional development.

4 **Sec. 103.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
5 read as follows:

6 INSTRUCTIONAL PROGRAM. (1) Satisfaction of the basic education
7 (~~(program requirements)~~) goal identified in RCW 28A.150.210 shall be
8 considered to be implemented by the following instructional program:

9 (a) Each school district shall make available to students enrolled
10 in kindergarten at least a total instructional offering of four hundred
11 fifty hours. The program shall include instruction in the essential
12 academic learning requirements under RCW (~~(28A.630.885)~~) 28A.655.070
13 and such other subjects and such activities as the school district
14 shall determine to be appropriate for the education of the school
15 district's students enrolled in such program;

16 (b) Each school district shall make available to students enrolled
17 in grades one through twelve, at least a district-wide annual average
18 total instructional hour offering of one thousand hours. The state
19 board of education may define alternatives to classroom instructional
20 time for students in grades nine through twelve enrolled in alternative
21 learning experiences. The state board of education shall establish
22 rules to determine annual average instructional hours for districts
23 including fewer than twelve grades. The program shall include the
24 essential academic learning requirements under RCW (~~(28A.630.885)~~)
25 28A.655.070 and such other subjects and such activities as the school
26 district shall determine to be appropriate for the education of the
27 school district's students enrolled in such group;

28 (c) If the essential academic learning requirements include a
29 requirement of languages other than English, the requirement may be met
30 by students receiving instruction in one or more American Indian
31 languages;

32 (d) Supplemental instruction and services for underachieving
33 students through the learning assistance program under RCW 28A.165.005
34 through 28A.165.065;

35 (e) Supplemental instruction and services for eligible and enrolled
36 students whose primary language is other than English through the

1 transitional bilingual instruction program under RCW 28A.180.010
2 through 28A.180.080; and

3 (f) The opportunity for an appropriate education at public expense
4 as defined by RCW 28A.155.020 for all eligible students with
5 disabilities as defined in RCW 28A.155.020.

6 (2) Nothing contained in subsection (1) of this section shall be
7 construed to require individual students to attend school for any
8 particular number of hours per day or to take any particular courses.

9 (3) Each school district's kindergarten through twelfth grade basic
10 educational program shall be accessible to all students who are five
11 years of age, as provided by RCW 28A.225.160, and less than twenty-one
12 years of age and shall consist of a minimum of one hundred eighty
13 school days per school year in such grades as are conducted by a school
14 district, and one hundred eighty half-days of instruction, or
15 equivalent, in kindergarten(~~(- PROVIDED, That)~~). However, effective
16 May 1, 1979, a school district may schedule the last five school days
17 of the one hundred and eighty day school year for noninstructional
18 purposes in the case of students who are graduating from high school,
19 including, but not limited to, the observance of graduation and early
20 release from school upon the request of a student, and all such
21 students may be claimed as a full time equivalent student to the extent
22 they could otherwise have been so claimed for the purposes of RCW
23 28A.150.250 and 28A.150.260.

24 (4) The state board of education shall adopt rules to implement and
25 ensure compliance with the program requirements imposed by this
26 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
27 program approval requirements as the state board may establish.

28 **Sec. 104.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
29 read as follows:

30 FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From
31 those funds made available by the legislature for the current use of
32 the common schools, the superintendent of public instruction shall
33 distribute annually as provided in RCW 28A.510.250 to each school
34 district of the state operating a basic education instructional program
35 approved by the state board of education an ((~~amount which, when~~
36 ~~combined with an appropriate portion of such locally available~~
37 ~~revenues, other than~~) allocation based on the formulas provided in RCW

1 28A.150.260, 28A.150.390, and section 107 of this act. The basic
2 education instructional allocation shall be net of receipts from
3 federal forest revenues distributed to school districts pursuant to RCW
4 28A.520.010 and 28A.520.020(~~(, as the superintendent of public~~
5 ~~instruction may deem appropriate for consideration in computing state~~
6 ~~equalization support, excluding excess property tax levies, will~~
7 ~~constitute a basic education allocation in dollars for each annual~~
8 ~~average full time equivalent student enrolled, based upon one full~~
9 ~~school year of one hundred eighty days, except that for kindergartens~~
10 ~~one full school year shall be one hundred eighty half days of~~
11 ~~instruction, or the equivalent as provided in RCW 28A.150.220)).~~

12 (2) The instructional program of basic education shall be
13 considered to be fully funded by those amounts of dollars appropriated
14 by the legislature pursuant to RCW (~~(28A.150.250 and)~~) 28A.150.260,
15 28A.150.390, and section 107 of this act to fund those program
16 requirements identified in RCW 28A.150.220 in accordance with the
17 formula and ratios provided in RCW 28A.150.260 and those amounts of
18 dollars appropriated by the legislature to fund the salary requirements
19 of RCW (~~(28A.150.100 and)~~) 28A.150.410.

20 (~~Operation of a program approved by the state board of education,~~
21 ~~for the purposes of this section, shall include a finding that the~~
22 ~~ratio of students per classroom teacher in grades kindergarten through~~
23 ~~three is not greater than the ratio of students per classroom teacher~~
24 ~~in grades four and above for such district: PROVIDED, That for the~~
25 ~~purposes of this section, "classroom teacher" shall be defined as an~~
26 ~~instructional employee possessing at least a provisional certificate,~~
27 ~~but not necessarily employed as a certificated employee, whose primary~~
28 ~~duty is the daily educational instruction of students: PROVIDED~~
29 ~~FURTHER, That the state board of education shall adopt rules and~~
30 ~~regulations to insure compliance with the student/teacher ratio~~
31 ~~provisions of this section, and such rules and regulations shall allow~~
32 ~~for exemptions for those special programs and/or school districts which~~
33 ~~may be deemed unable to practicably meet the student/teacher ratio~~
34 ~~requirements of this section by virtue of a small number of students.))~~

35 (3) If a school district's basic education program fails to meet
36 the basic education requirements enumerated in RCW (~~(28A.150.250,)~~)
37 28A.150.260(~~(7)~~) and 28A.150.220, the state board of education shall
38 require the superintendent of public instruction to withhold state

1 funds in whole or in part for the basic education allocation until
2 program compliance is assured(~~(: PROVIDED, That)~~). However, the state
3 board of education may waive this requirement in the event of
4 substantial lack of classroom space.

5 **Sec. 105.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to
6 read as follows:

7 ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. (~~The~~
8 ~~basic education allocation for each annual average full time equivalent~~
9 ~~student shall be determined in accordance with the following~~
10 ~~procedures~~) The purpose of this section is to provide for the
11 allocation of state funding that the legislature deems necessary to
12 support school districts in offering the minimum instructional program
13 of basic education under RCW 28A.150.220. The allocation shall be
14 determined as follows:

15 (1) The governor shall and the superintendent of public instruction
16 may recommend to the legislature a formula (~~based on a ratio of~~
17 ~~students to staff~~) for the distribution of a basic education
18 instructional allocation for each (~~annual average full time equivalent~~
19 ~~student enrolled in a~~) common school district. (~~The distribution~~
20 ~~formula shall have the primary objective of equalizing educational~~
21 ~~opportunities and shall provide appropriate recognition of the~~
22 ~~following costs among the various districts within the state:~~

23 ~~(a) Certificated instructional staff and their related costs;~~

24 ~~(b) Certificated administrative staff and their related costs;~~

25 ~~(c) Classified staff and their related costs;~~

26 ~~(d) Nonsalary costs;~~

27 ~~(e) Extraordinary costs, including school facilities, of remote and~~
28 ~~necessary schools as judged by the superintendent of public~~
29 ~~instruction, with recommendations from the school facilities citizen~~
30 ~~advisory panel under RCW 28A.525.025, and small high schools, including~~
31 ~~costs of additional certificated and classified staff; and~~

32 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~
33 ~~28A.225.250 who do not reside within the servicing school district.)~~

34 (2)(~~(a)~~) The distribution formula under this section shall be for
35 allocation purposes only. Except as may be required under chapter
36 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations,
37 nothing in this section requires school districts to use basic

1 education instructional funds to implement a particular instructional
2 approach or service. Nothing in this section requires school districts
3 to maintain a particular classroom teacher-to-student ratio or other
4 staff-to-student ratio or to use allocated funds to pay for particular
5 types or classifications of staff. Nothing in this section entitles an
6 individual teacher to a particular teacher planning period.

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

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

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

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

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

36 (c) The minimum allocation for each level of prototypical school
37 shall be based on the number of full-time equivalent classroom teachers
38 needed to provide instruction over the minimum required annual

1 instructional hours under RCW 28A.150.220 and provide at least one
2 teacher planning period per school day, and based on an average class
3 size as specified in the omnibus appropriations act. The omnibus
4 appropriations act shall specify:

5 (i) Basic average class size;

6 (ii) Basic average class size in schools where more than fifty
7 percent of the students are eligible for free and reduced-price meals;

8 (iii) Average class size for exploratory and preparatory career and
9 technical education, laboratory science, advanced placement, and
10 international baccalaureate courses; and

11 (iv) Average class size in grades kindergarten through three.

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

15 (i) Principals, including assistant principals and other
16 certificated building-level administrators;

17 (ii) Teacher librarians, a function that includes information
18 literacy, technology, and media to support school library media
19 programs;

20 (iii) Student health services, a function that includes school
21 nurses and social workers;

22 (iv) Guidance counselors, a function that includes parent outreach
23 and graduation advisor;

24 (v) Professional development coaches;

25 (vi) Office support and noninstructional aides;

26 (vii) Custodians and other maintenance; and

27 (viii) Student and staff safety.

28 (4)(a) The minimum allocation for each school district shall
29 include allocations per annual average full-time equivalent student for
30 the following materials, supplies, and operating costs: Student
31 technology; utilities; curriculum, textbooks, library materials, and
32 instructional supplies; instructional professional development; other
33 building-level costs including maintenance, custodial, and security;
34 and central office administration.

35 (b) The annual average full-time equivalent student amounts in (a)
36 of this subsection shall be enhanced based on full-time equivalent
37 student enrollment in exploratory career and technical education
38 courses for students in grades seven through twelve; laboratory science

1 courses for students in grades nine through twelve; preparatory career
2 and technical education courses for students in grades nine through
3 twelve offered in a high school; and preparatory career and technical
4 education courses for students in grades eleven and twelve offered
5 through a skill center.

6 (5) The allocations provided under subsections (3) and (4) of this
7 section shall be enhanced as follows to provide additional allocations
8 for classroom teachers and maintenance, supplies, and operating costs:

9 (a) To provide supplemental instruction and services for
10 underachieving students through the learning assistance program under
11 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
12 percent of students in each school who are eligible for free and
13 reduced-price meals. The minimum allocation for the learning
14 assistance program shall provide an extended school day and extended
15 school year for each level of prototypical school and a per student
16 allocation for maintenance, supplies, and operating costs.

17 (b) To provide supplemental instruction and services for students
18 whose primary language is other than English, allocations shall be
19 based on the number of students in each school who are eligible for and
20 enrolled in the transitional bilingual instruction program under RCW
21 28A.180.010 through 28A.180.080. The minimum allocation for each level
22 of prototypical school shall provide for supplemental instruction based
23 on percent of the school day a student is assumed to receive
24 supplemental instruction and a per student allocation for maintenance,
25 supplies, and operating costs.

26 (6) The allocations under subsections (3) through (5) of this
27 section shall be enhanced as provided under RCW 28A.150.390 on an
28 excess cost basis to provide supplemental instructional resources for
29 students with disabilities.

30 (7) The distribution formula shall include allocations to school
31 districts to support staffing of central office administration. The
32 minimum allocation shall be calculated as a percentage, identified in
33 the omnibus appropriations act, of the total allocations for staff
34 under subsection (3) of this section for all schools in the district.

35 (8)(a) For the purposes of allocations for prototypical high
36 schools and middle schools under subsections (3) and (5) of this
37 section that are based on the percent of students in the school who are
38 eligible for free and reduced-price meals, the actual percent of such

1 students in a school shall be adjusted by a factor identified in the
2 omnibus appropriations act to reflect underreporting of free and
3 reduced-price meal eligibility among middle and high school students.

4 (b) Allocations or enhancements provided under subsections (3) and
5 (4) of this section for exploratory and preparatory career and
6 technical education courses shall be provided only for courses approved
7 by the office of the superintendent of public instruction under chapter
8 28A.700 RCW.

9 (9)(a) This formula for distribution of basic education funds shall
10 be reviewed biennially by the superintendent and governor. The
11 recommended formula shall be subject to approval, amendment or
12 rejection by the legislature. ((The formula shall be for allocation
13 purposes only. While the legislature intends that the allocations for
14 additional instructional staff be used to increase the ratio of such
15 staff to students, nothing in this section shall require districts to
16 reduce the number of administrative staff below existing levels.

17 ~~(b) The formula adopted by the legislature shall reflect the~~
18 ~~following ratios at a minimum: (i) Forty nine certificated~~
19 ~~instructional staff to one thousand annual average full time equivalent~~
20 ~~students enrolled in grades kindergarten through three; (ii) forty six~~
21 ~~certificated instructional staff to one thousand annual average full~~
22 ~~time equivalent students in grades four through twelve; (iii) four~~
23 ~~certificated administrative staff to one thousand annual average full~~
24 ~~time equivalent students in grades kindergarten through twelve; and~~
25 ~~(iv) sixteen and sixty seven one hundredths classified personnel to one~~
26 ~~thousand annual average full time equivalent students enrolled in~~
27 ~~grades kindergarten through twelve.~~

28 ~~(e)) (b) In the event the legislature rejects the distribution~~
29 ~~formula recommended by the governor, without adopting a new~~
30 ~~distribution formula, the distribution formula for the previous school~~
31 ~~year shall remain in effect((: PROVIDED, That the distribution formula~~
32 ~~developed pursuant to this section shall be for state apportionment and~~
33 ~~equalization purposes only and shall not be construed as mandating~~
34 ~~specific operational functions of local school districts other than~~
35 ~~those program requirements identified in RCW 28A.150.220 and~~
36 ~~28A.150.100)).~~

37 (c) The enrollment of any district shall be the annual average
38 number of full_time equivalent students and part_time students as

1 provided in RCW 28A.150.350, enrolled on the first school day of each
2 month ~~((and shall exclude full-time equivalent students with~~
3 ~~disabilities recognized for the purposes of allocation of state funds~~
4 ~~for programs under RCW 28A.155.010 through 28A.155.100))~~, including
5 students who are in attendance pursuant to RCW 28A.335.160 and
6 28A.225.250 who do not reside within the servicing school district.
7 The definition of full-time equivalent student shall be determined by
8 rules of the superintendent of public instruction ~~((: PROVIDED, That~~
9 ~~the definition))~~ and shall be included as part of the superintendent's
10 biennial budget request ~~((: PROVIDED, FURTHER, That))~~. The definition
11 shall be based on the minimum instructional hour offerings required
12 under RCW 28A.150.220. Any revision of the present definition shall
13 not take effect until approved by the house appropriations committee
14 and the senate ways and means committee ~~((: PROVIDED, FURTHER, That))~~.

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

18 ~~((3)(a) Certificated instructional staff shall include those~~
19 ~~persons employed by a school district who are nonsupervisory employees~~
20 ~~within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional~~
21 ~~cases, people of unusual competence but without certification may teach~~
22 ~~students so long as a certificated person exercises general~~
23 ~~supervision: PROVIDED, FURTHER, That the hiring of such classified~~
24 ~~people shall not occur during a labor dispute and such classified~~
25 ~~people shall not be hired to replace certificated employees during a~~
26 ~~labor dispute.~~

27 ~~(b) Certificated administrative staff shall include all those~~
28 ~~persons who are chief executive officers, chief administrative~~
29 ~~officers, confidential employees, supervisors, principals, or assistant~~
30 ~~principals within the meaning of RCW 41.59.020(4).))~~

31 **Sec. 106.** RCW 28A.150.390 and 1995 c 77 s 6 are each amended to
32 read as follows:

33 SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent
34 of public instruction shall submit to each regular session of the
35 legislature during an odd-numbered year a programmed budget request for
36 special education programs for students with disabilities. Funding for
37 programs operated by local school districts shall be on an excess cost

1 basis from appropriations provided by the legislature for special
2 education programs for students with disabilities and shall take
3 account of state funds accruing through RCW ~~((28A.150.250,))~~
4 28A.150.260~~((7))~~ (3) through (5) and federal medical assistance and
5 private funds accruing under RCW 74.09.5249 through 74.09.5253 and
6 74.09.5254 through 74.09.5256~~((, and other state and local funds,~~
7 ~~excluding special excess levies))~~.

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

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

15 (b) A district's annual average full-time equivalent basic
16 education enrollment, multiplied by the district's funded enrollment
17 percent, multiplied by the district's base allocation per full-time
18 equivalent student, multiplied by 0.9309.

19 (3) As used in this section:

20 (a) "Base allocation" means the total state allocation to all
21 schools in the district generated by the distribution formula under RCW
22 28A.150.260 (3) through (5), to be divided by the district's full-time
23 equivalent enrollment.

24 (b) "Basic education enrollment" means enrollment of resident
25 students including nonresident students enrolled under RCW 28A.225.225
26 and students from nonhigh districts enrolled under RCW 28A.225.210 and
27 excluding students residing in another district enrolled as part of an
28 interdistrict cooperative program under RCW 28A.225.250.

29 (c) "Enrollment percent" means the district's resident special
30 education annual average enrollment, excluding students ages birth
31 through four and those five year olds not yet enrolled in kindergarten,
32 as a percent of the district's annual average full-time equivalent
33 basic education enrollment.

34 (d) "Funded enrollment percent" means the lesser of the district's
35 actual enrollment percent or twelve and seven-tenths percent.

36 NEW SECTION. Sec. 107. SPECIAL EDUCATION SAFETY NET. (1) To the
37 extent necessary, funds shall be made available for safety net awards

1 for districts with demonstrated needs for special education funding
2 beyond the amounts provided through the special education funding
3 formula under RCW 28A.150.390. If the federal safety net awards based
4 on the federal eligibility threshold exceed the federal appropriation
5 in any fiscal year, then the superintendent shall expend all available
6 federal discretionary funds necessary to meet this need. Safety net
7 funds shall be awarded by the state safety net oversight committee
8 subject to the following conditions and limitations:

9 (a) The committee shall consider additional funds for districts
10 that can convincingly demonstrate that all legitimate expenditures for
11 special education exceed all available revenues from state funding
12 formulas. In the determination of need, the committee shall also
13 consider additional available revenues from federal sources.
14 Differences in program costs attributable to district philosophy,
15 service delivery choice, or accounting practices are not a legitimate
16 basis for safety net awards. In the determination of need, the
17 committee shall require that districts demonstrate that they are
18 maximizing their eligibility for all state and federal revenues related
19 to services for special education students.

20 (b) The committee shall then consider the extraordinary high cost
21 needs of one or more individual special education students.
22 Differences in costs attributable to district philosophy, service
23 delivery choice, or accounting practices are not a legitimate basis for
24 safety net awards.

25 (c) Using criteria developed by the committee, the committee shall
26 then consider extraordinary costs associated with communities that draw
27 a larger number of families with children in need of special education
28 services. Safety net awards under this subsection (1)(c) shall be
29 adjusted to reflect amounts awarded under (b) of this subsection.

30 (d) The maximum allowable indirect cost for calculating safety net
31 eligibility may not exceed the federal restricted indirect cost rate
32 for the district plus one percent.

33 (e) Safety net awards shall be adjusted based on the percent of
34 potential medicaid eligible students billed as calculated by the
35 superintendent of public instruction in accordance with chapter 318,
36 Laws of 1999.

37 (f) Safety net awards must be adjusted for any audit findings or
38 exceptions related to special education funding.

1 (2) The superintendent of public instruction may adopt such rules
2 and procedures as are necessary to administer the special education
3 funding and safety net award process. Before revising any standards,
4 procedures, or rules, the superintendent shall consult with the office
5 of financial management and the fiscal committees of the legislature.
6 In adopting and revising the rules, the superintendent shall ensure the
7 application process to access safety net funding is streamlined,
8 timelines for submission are not in conflict, feedback to school
9 districts is timely and provides sufficient information to allow school
10 districts to understand how to correct any deficiencies in a safety net
11 application, and that there is consistency between awards approved by
12 school district and by application period. The office of the
13 superintendent of public instruction shall also provide technical
14 assistance to school districts in preparing and submitting special
15 education safety net applications.

16 (3) On an annual basis, the superintendent shall survey districts
17 regarding their satisfaction with the safety net process and consider
18 feedback from districts to improve the safety net process. Each year
19 by December 1st, the superintendent shall prepare and submit a report
20 to the office of financial management and the appropriate policy and
21 fiscal committees of the legislature that summarizes the survey results
22 and those changes made to the safety net process as a result of the
23 school district feedback.

24 (4) The safety net oversight committee appointed by the
25 superintendent of public instruction shall consist of:

26 (a) One staff member from the office of the superintendent of
27 public instruction;

28 (b) Staff of the office of the state auditor who shall be nonvoting
29 members of the committee; and

30 (c) One or more representatives from school districts or
31 educational service districts knowledgeable of special education
32 programs and funding.

33 **Sec. 108.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to
34 read as follows:

35 LEGISLATURE TO APPROPRIATE FUNDS. (1) The state legislature shall,
36 at each regular session in an odd-numbered year, appropriate ((~~from the~~
37 ~~state general fund~~)) for the current use of the common schools such

1 amounts as needed for state support to (~~the common schools~~) school
2 districts during the ensuing biennium (~~as provided in this chapter,~~
3 ~~RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010~~) for
4 the program of basic education under RCW 28A.150.200.

5 (2) In addition to those state funds provided to school districts
6 for basic education, the legislature may appropriate funds to be
7 distributed to school districts for other factors and for other special
8 programs to enhance or enrich the program of basic education.

9 (3) The state legislature shall also, at each regular session in an
10 odd-numbered year, appropriate from the student achievement fund and
11 education construction fund solely for the purposes of and in
12 accordance with the provisions of the student achievement act during
13 the ensuing biennium.

14 NEW SECTION. Sec. 109. PROGRAM AND FUNDING WORKING GROUP. (1)
15 The legislature intends to redefine the instructional program of
16 education under RCW 28A.150.220 that fulfills the obligations and
17 requirements of Article IX of the state Constitution. The funding
18 formulas under RCW 28A.150.260 to support the instructional program
19 shall be implemented beginning in the 2011-12 school year and are
20 intended to be phased in over a six-year period according to an
21 implementation schedule to be adopted by the legislature. The object
22 of the schedule is to assure that increases in funding allocations are
23 timely, predictable, and occur concurrently with any increases in
24 program or instructional requirements.

25 (2) The office of financial management and the office of the
26 superintendent of public instruction shall convene a technical working
27 group to recommend a revised program of basic education, the details of
28 the funding formulas, and a concurrent implementation schedule.

29 (3) The working group shall include representatives of the
30 legislative evaluation and accountability program committee, school
31 district and educational service district financial managers, the
32 Washington association of school business officers, the Washington
33 education association, the Washington association of school
34 administrators, the association of Washington school principals, the
35 Washington state school directors' association, and other interested
36 stakeholders with expertise in education finance. The working group

1 may convene advisory subgroups on specific topics as necessary to
2 assure participation and input from a broad array of diverse
3 stakeholders.

4 (4) The working group shall be monitored and overseen by the basic
5 education steering committee under section 3 of this act.

6 NEW SECTION. **Sec. 110.** BASIC EDUCATION PROGRAM OF EARLY LEARNING.

7 (1) The legislature finds that disadvantaged young children do not have
8 the opportunity to attain the goals or meaningfully participate or
9 reach any reasonable level of achievement within the regular
10 instructional program of basic education without supplemental
11 instruction in preschool to prepare them for kindergarten and beyond.
12 Therefore, the legislature intends to establish a basic education
13 program of early learning for at-risk children that shall become a part
14 of the program of basic education.

15 (2) The department of early learning and the office of the
16 superintendent of public instruction shall convene a working group to
17 develop the basic education program of early learning. The early
18 learning working group shall be composed of representatives from head
19 start and early childhood education and assistance program providers,
20 school districts, thrive by five of Washington, and other stakeholders
21 with expertise in early learning. The working group may convene
22 advisory subgroups on specific topics as necessary to assure
23 participation and input from a broad array of diverse stakeholders.

24 (3) The early learning working group shall continue the preliminary
25 work of the department of early learning under RCW 43.215.125 to
26 develop a proposal for a statewide Washington head start program. The
27 working group shall develop recommended parameters and minimum
28 standards for the program, student eligibility, and a governance model
29 and delivery system appropriate for a basic education program.

30 (4) The early learning working group shall be monitored and
31 overseen by the basic education steering committee under section 3 of
32 this act.

33 **PART II**
34 **CERTIFICATION, EVALUATION, MENTORING, AND COMPENSATION**

1 NEW SECTION. **Sec. 201.** INTENT. (1) The legislature finds that in
2 order to offer all students the opportunity to achieve the basic
3 education goal, school districts must provide effective teaching and
4 instruction. Teachers should be provided opportunities to gain the
5 knowledge and skills that will enable them to be effective, and should
6 be evaluated and rewarded based on their effectiveness. Designing a
7 system that clearly defines, supports, measures, and rewards effective
8 teaching is one of the most important investments to be made in
9 improving student learning.

10 (2) Therefore, the legislature intends to establish a comprehensive
11 system of teacher certification, evaluation, and mentoring that is
12 directly aligned with a revised system of compensation and focused on
13 achievement of effective teaching.

14 NEW SECTION. **Sec. 202.** EFFECTIVE TEACHING AND COMPENSATION. (1)
15 The office of financial management and the superintendent of public
16 instruction shall convene an effective teaching and compensation
17 working group to include representatives of the professional educator
18 standards board, the Washington education association, the Washington
19 association of school administrators, the Washington state school
20 directors' association, the association of Washington school
21 principals, school districts of varying sizes, and other interested
22 stakeholders with expertise in educator compensation.

23 (2) The working group shall recommend a compensation system that
24 provides support for effective teaching and recruitment and retention
25 of high quality staff, including any changes to teacher certification
26 and professional development necessary to align with the system.

27 (3) The working group shall be monitored and overseen by the basic
28 education steering committee under section 3 of this act.

29 **Sec. 203.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to
30 read as follows:

31 SALARY ALLOCATION MODEL. (1) The legislature shall establish for
32 each school year in the appropriations act a statewide salary
33 allocation schedule, for allocation purposes only, to be used to
34 distribute funds for basic education certificated instructional staff
35 salaries under RCW 28A.150.260. For the purposes of this section,
36 beginning in the 2011-12 school year, the staff allocations for

1 classroom teachers, librarians, professional development coaches,
2 student health services staff, and guidance counselors under RCW
3 28A.150.260 are allocations for certificated instructional staff.

4 (2) Salary allocations for state-funded (~~basic~~ education)
5 certificated instructional staff shall be calculated by the
6 superintendent of public instruction by determining the district's
7 average salary for all certificated instructional staff, using the
8 statewide salary allocation schedule and related documents, conditions,
9 and limitations established by the omnibus appropriations act.

10 (3) Beginning January 1, 1992, no more than ninety college quarter-
11 hour credits received by any employee after the baccalaureate degree
12 may be used to determine compensation allocations under the state
13 salary allocation schedule and LEAP documents referenced in the omnibus
14 appropriations act, or any replacement schedules and documents, unless:

15 (a) The employee has a masters degree; or

16 (b) The credits were used in generating state salary allocations
17 before January 1, 1992.

18 (4) Beginning in the 2007-08 school year, the calculation of years
19 of service for occupational therapists, physical therapists, speech-
20 language pathologists, audiologists, nurses, social workers,
21 counselors, and psychologists regulated under Title 18 RCW may include
22 experience in schools and other nonschool positions as occupational
23 therapists, physical therapists, speech-language pathologists,
24 audiologists, nurses, social workers, counselors, or psychologists.
25 The calculation shall be that one year of service in a nonschool
26 position counts as one year of service for purposes of this chapter, up
27 to a limit of two years of nonschool service. Nonschool years of
28 service included in calculations under this subsection shall not be
29 applied to service credit totals for purposes of any retirement benefit
30 under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement
31 system benefits.

32 **PART III**

33 **ACCOUNTABILITY**

34 NEW SECTION. **Sec. 301.** INTENT. (1) The legislature finds that
35 comprehensive education finance reform and the increased investment of
36 public resources necessary to implement that reform must be accompanied

1 by an equally comprehensive and transparent system of school and school
2 district accountability. The focus of the accountability system is on
3 continuous improvement of student achievement in all schools and all
4 school districts.

5 (2) The legislature further finds that it is the state's
6 responsibility to provide schools and districts with the tools
7 necessary to be accountable. These tools include the necessary
8 accounting and data reporting systems, assessment systems to monitor
9 student achievement, and a system of general support, targeted
10 assistance, recognition, and, if necessary, intervention.

11 NEW SECTION. **Sec. 302.** SCHOOL AND DISTRICT ACCOUNTABILITY SYSTEM.
12 The state board of education shall submit a proposal for a
13 comprehensive system of school and district accountability to the
14 education committees of the legislature by December 1, 2009, including
15 recommended legislation and recommended resources to implement the
16 system.

17 NEW SECTION. **Sec. 303.** A new section is added to chapter 28A.655
18 RCW to read as follows:

19 EDUCATION DATA ACCOUNTABILITY SYSTEM. (1) It is the legislature's
20 intent to establish comprehensive education data accountability systems
21 for financial, student, and educator data. The objective of the
22 systems is to monitor student progress, assure educator quality,
23 monitor and analyze the costs of programs, provide for financial
24 integrity and accountability, and have the capacity to link across
25 these various data components by student, by school, by district, and
26 statewide. Education data systems must be flexible and able to adapt
27 to evolving needs for information, but there must be an objective and
28 orderly process for determining when changes are needed and how to
29 implement them.

30 (2) It is the legislature's intent that the education data
31 accountability systems used by school districts and the state include
32 but not be limited to the following information and functionality:

33 (a) Comprehensive educator assignment information, including grade
34 level and courses taught, building or location, program, job
35 assignment, years of experience, and compensation;

1 (b) Capacity to link educator assignment information with educator
2 certification information such as certification number, type of
3 certification, route to certification, certification program, and
4 certification assessment or evaluation scores;

5 (c) Common coding of secondary courses and major areas of study at
6 the elementary level;

7 (d) Complete student information, including but not limited to
8 student characteristics, course and program enrollment, performance on
9 statewide summative and formative assessments, and performance on
10 college readiness tests;

11 (e) A subset of student information elements to serve as a dropout
12 early warning system;

13 (f) Capacity to link educator information with student information;

14 (g) A common, standardized structure for reporting the costs of
15 programs at the school and district level with a focus on financial
16 accountability rather than accounting for expenditure inputs;

17 (h) Separate accounting of state, federal, and local revenues and
18 costs;

19 (i) Alignment between state funding formulas and school district
20 budgeting and accounting, including procedures for assuring that
21 financial data is accurate and auditable; and

22 (j) Capacity to link program cost information with student
23 information to gauge the cost-effectiveness of programs.

24 NEW SECTION. **Sec. 304.** DATA WORKING GROUP. (1) The office of the
25 superintendent of public instruction shall convene a technical working
26 group to propose a design and implementation time frame for the
27 comprehensive data accountability systems for financial, student, and
28 educator data under section 303 of this act.

29 (2) The data working group shall include representatives of the
30 office of financial management, the state auditor's office, the
31 legislative evaluation and accountability program committee, the joint
32 legislative audit and review committee, the professional educator
33 standards board, the state board of education, the Washington state
34 information processing cooperative, educational service districts and
35 school districts of varying sizes, the Washington association of school
36 business officers, the Washington education association, the Washington
37 association of school administrators, the Washington state school

1 directors' association, the association of Washington school
2 principals, and other interested stakeholders with expertise in
3 education data. The working group may convene advisory subgroups on
4 specific topics as necessary to assure participation and input from a
5 broad array of diverse stakeholders. The office of the superintendent
6 of public instruction may divide the working group into two subgroups
7 to assure appropriate expertise among the members regarding teacher and
8 student data systems versus financial and accounting data systems.

9 (3) The data working group shall:

10 (a) Create a comprehensive needs requirement document detailing the
11 specific information and technical capacity needed by school districts
12 and the state to meet the legislature's expectations for comprehensive
13 data accountability systems as described under section 303 of this act;

14 (b) Conduct a gap analysis of current and planned information
15 compared to the needs requirement document, including an analysis of
16 the strengths and limitations of education data systems and programs
17 currently used by school districts and the state and the extent to
18 which these systems and programs have the capacity or can be modified
19 to meet the needs requirement document;

20 (c) Focus on financial and cost data necessary to support the new
21 financial models and funding formulas, including any necessary changes
22 to school district budgeting and accounting, and on assuring the
23 capacity to link data across financial, student, and educator systems;
24 and

25 (d) Develop a proposal for a data governance structure that would
26 be responsible for establishing a standard data dictionary, setting
27 data collection priorities, establishing minimum mandatory standards
28 for school data systems, and overseeing implementation of the
29 comprehensive education data accountability systems.

30 (4) The data working group shall be monitored and overseen by the
31 basic education steering committee under section 3 of this act.

32 **PART IV**
33 **OTHER FINANCE**

34 NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.500
35 RCW to read as follows:

36 **NEW LEVY/LEA SYSTEM--INTENT.** (1) The legislature finds that while

1 the state has the responsibility to provide for a general and uniform
2 system of public schools, there is also a need for some diversity in
3 the public school system. A successful system of public education must
4 permit some variation among school districts outside the basic
5 education provided for by the state to respond to and reflect the
6 unique desires of local communities. The opportunity for local
7 communities to invest in enriched education programs promotes support
8 for local public schools. Further, the ability of local school
9 districts to experiment with enriched programs can inform the
10 legislature's long-term evolution of the definition of basic education.
11 Therefore, local levy authority remains an important component of the
12 overall finance system in support of the public schools even though it
13 is outside the state's obligation for basic education.

14 (2) However, the value of permitting local levies must be balanced
15 with the value of equity and fairness to students and to taxpayers,
16 neither of whom should be unduly disadvantaged due to differences in
17 the tax bases used to support local levies. Equity and fairness
18 require both an equitable basis for supplemental funding outside basic
19 education and a mechanism for property tax-poor school districts to
20 fairly access supplemental funding. As such, local effort assistance,
21 while also outside the state's obligation for basic education, is
22 another important component of school finance.

23 NEW SECTION. **Sec. 402.** LOCAL FUNDING WORKING GROUP. (1) The
24 office of financial management and the superintendent of public
25 instruction shall convene a technical working group to develop options
26 for a new system of supplemental school funding through local school
27 levies and local effort assistance.

28 (2) The working group shall consider the impact on overall school
29 district revenues of the new basic education funding system established
30 under this act and shall recommend a phase-in plan that ensures that no
31 school district suffers a decrease in funding from one school year to
32 the next due to implementation of the new system of supplemental
33 funding.

34 (3) The working group shall be composed of representatives from the
35 department of revenue, the legislative evaluation and accountability
36 program committee, school district and educational service district
37 financial managers, and representatives of the Washington association

1 of school business officers, the Washington education association, the
2 Washington association of school administrators, the Washington state
3 school directors' association, and other interested stakeholders with
4 expertise in education finance. The working group may convene advisory
5 subgroups on specific topics as necessary to assure participation and
6 input from a broad array of diverse stakeholders.

7 (4) The local funding working group shall be monitored and overseen
8 by the basic education steering committee under section 3 of this act.

9 **PART V**

10 **GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION**

11 **Sec. 501.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to
12 read as follows:

13 LAP ADJUSTMENTS. (~~The learning assistance program requirements~~
14 ~~in~~) This chapter ((are)) is designed to: (1) Promote the use of
15 assessment data when developing programs to assist underachieving
16 students; and (2) guide school districts in providing the most
17 effective and efficient practices when implementing (~~programs~~)
18 supplemental instruction and services to assist underachieving
19 students. (~~Further, this chapter provides the means by which a school~~
20 ~~district becomes eligible for learning assistance program funds and the~~
21 ~~distribution of those funds.))~~

22 **Sec. 502.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to
23 read as follows:

24 LAP ADJUSTMENTS. Unless the context clearly indicates otherwise
25 the definitions in this section apply throughout this chapter.

26 (1) "Approved program" means a program submitted to and approved by
27 the office of the superintendent of public instruction and conducted
28 pursuant to the plan that addresses the required elements as provided
29 for in this chapter.

30 (2) "Basic skills areas" means reading, writing, and mathematics as
31 well as readiness associated with these skills.

32 (3) "Participating student" means a student in kindergarten through
33 grade (~~eleven who scores below standard for his or her grade level on~~
34 ~~the statewide assessments and who is identified in the approved plan to~~
35 ~~receive services. Beginning with the 2007-2008 school year,~~

1 ~~"participating student" means a student in kindergarten through grade~~)
2 twelve who scores below standard for his or her grade level on the
3 statewide assessments and who is identified in the approved plan to
4 receive services.

5 (4) "Statewide assessments" means one or more of the several basic
6 skills assessments administered as part of the state's student
7 assessment system, and assessments in the basic skills areas
8 administered by local school districts.

9 (5) "Underachieving students" means students with the greatest
10 academic deficits in basic skills as identified by the statewide
11 assessments.

12 **Sec. 503.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to
13 read as follows:

14 LAP ADJUSTMENTS. ~~((+1))~~ Each school district with an approved
15 program is eligible for state funds provided for the learning
16 assistance program. The funds shall be appropriated for the learning
17 assistance program in accordance with RCW 28A.150.260 and the
18 ~~((biennial))~~ omnibus appropriations act. The distribution formula is
19 for school district allocation purposes only, but funds appropriated
20 for the learning assistance program must be expended for the purposes
21 of RCW 28A.165.005 through 28A.165.065. ~~((The distribution formula~~
22 ~~shall be based on one or more family income factors measuring economic~~
23 ~~need.~~

24 ~~(2) In addition to the funds allocated to eligible school districts~~
25 ~~on the basis of family income factors, enhanced funds shall be~~
26 ~~allocated for school districts where more than twenty percent of~~
27 ~~students are eligible for and enrolled in the transitional bilingual~~
28 ~~instruction program under chapter 28A.180 RCW as provided in this~~
29 ~~subsection. The enhanced funding provided in this subsection shall~~
30 ~~take effect beginning in the 2008-09 school year.~~

31 ~~(a) If, in the prior school year, a district's percent of October~~
32 ~~headcount student enrollment in grades kindergarten through twelve who~~
33 ~~are enrolled in the transitional bilingual instruction program, based~~
34 ~~on an average of the program headcount taken in October and May,~~
35 ~~exceeds twenty percent, twenty percent shall be subtracted from the~~
36 ~~district's percent transitional bilingual instruction program~~

1 enrollment and the resulting percent shall be multiplied by the
2 district's kindergarten through twelve annual average full-time
3 equivalent enrollment for the prior school year.

4 (b) The number calculated under (a) of this subsection shall be the
5 number of additional funded students for purposes of this subsection,
6 to be multiplied by the per-funded student allocation rates specified
7 in the omnibus appropriations act.

8 (c) School districts are only eligible for the enhanced funds under
9 this subsection if their percentage of October headcount enrollment in
10 grades kindergarten through twelve eligible for free or reduced-price
11 lunch exceeded forty percent in the prior school year.))

12 **Sec. 504.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to
13 read as follows:

14 TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be
15 known and cited as "the transitional bilingual instruction act." The
16 legislature finds that there are large numbers of children who come
17 from homes where the primary language is other than English. The
18 legislature finds that a transitional bilingual education program can
19 meet the needs of these children. Pursuant to the policy of this state
20 to insure equal educational opportunity to every child in this state,
21 it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for
22 the implementation of transitional bilingual education programs in the
23 public schools(~~(, and to provide supplemental financial assistance to~~
24 ~~school districts to meet the extra costs of these programs)~~).

25 **Sec. 505.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to
26 read as follows:

27 TBIP ADJUSTMENTS. (~~The superintendent of public instruction shall~~
28 ~~prepare and submit biennially to the governor and the legislature a~~
29 ~~budget request for bilingual instruction programs.)) Moneys
30 appropriated by the legislature for the purposes of RCW 28A.180.010
31 through 28A.180.080 shall be allocated by the superintendent of public
32 instruction to school districts for the sole purpose of operating an
33 approved bilingual instruction program(~~(; priorities for funding shall~~
34 ~~exist for the early elementary grades. No moneys shall be allocated~~
35 ~~pursuant to this section to fund more than three school years of~~
36 ~~bilingual instruction for each eligible pupil within a district:~~~~

1 ~~PROVIDED, That such moneys may be allocated to fund more than three~~
2 ~~school years of bilingual instruction for any pupil who fails to~~
3 ~~demonstrate improvement in English language skills adequate to remove~~
4 ~~impairment of learning when taught only in English. The superintendent~~
5 ~~of public instruction shall set standards and approve a test for the~~
6 ~~measurement of such English language skills)).~~

7 **Sec. 506.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to
8 read as follows:

9 EDUCATION BY OTHER DISTRICTS. (1) A local district may be
10 authorized by the educational service district superintendent to
11 transport and educate its pupils in other districts for one year,
12 either by payment of a compensation agreed upon by such school
13 districts, or under other terms mutually satisfactory to the districts
14 concerned when this will afford better educational facilities for the
15 pupils and when a saving may be effected in the cost of education(~~(+~~
16 ~~PROVIDED, That~~)). Notwithstanding any other provision of law, the
17 amount to be paid by the state to the resident school district for
18 apportionment purposes and otherwise payable pursuant to RCW
19 ((~~28A.150.100,~~)) 28A.150.250 through 28A.150.290, 28A.150.350 through
20 28A.150.410, 28A.160.150 through 28A.160.200, ((~~28A.160.220~~))
21 28A.300.035, and 28A.300.170((~~, and 28A.500.010~~)) shall not be greater
22 than the regular apportionment for each high school student of the
23 receiving district. Such authorization may be extended for an
24 additional year at the discretion of the educational service district
25 superintendent.

26 (2) Subsection (1) of this section shall not apply to districts
27 participating in a cooperative project established under RCW
28 28A.340.030 which exceeds two years in duration.

29 NEW SECTION. **Sec. 507.** The following acts or parts of acts are
30 each repealed:

31 (1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969
32 ex.s. c 223 s 28A.01.010;

33 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
34 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
35 1973 1st ex.s. c 105 s 1;

1 (3) RCW 28A.150.100 (Basic education certificated instructional
2 staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st
3 ex.s. c 2 s 203;

4 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s
5 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s
6 22, & 1969 ex.s. c 223 s 28A.01.020;

7 (5) RCW 28A.150.370 (Additional programs for which legislative
8 appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s
9 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;
10 and

11 (6) RCW 28A.155.180 (Safety net funds--Application--Technical
12 assistance--Annual survey) and 2007 c 400 s 8.

13 **PART VI**

14 **MISCELLANEOUS PROVISIONS**

15 NEW SECTION. **Sec. 601.** Part headings and captions used in this
16 act are not any part of the law.

17 NEW SECTION. **Sec. 602.** Sections 3, 102, and 107 of this act are
18 each added to chapter 28A.150 RCW.

19 NEW SECTION. **Sec. 603.** Sections 101 through 108, 203, and 501
20 through 507 of this act take effect September 1, 2011.

21 NEW SECTION. **Sec. 604.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

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