
SUBSTITUTE SENATE BILL 5919

State of Washington 62nd Legislature 2011 1st Special Session

By Senate Ways & Means (originally sponsored by Senators Murray and Zarelli)

READ FIRST TIME 05/24/11.

1 AN ACT Relating to education funding; amending RCW 28A.150.220,
2 28A.150.260, 28A.160.192, 28A.300.380, and 28A.630.016; reenacting and
3 amending RCW 28A.290.010 and 28A.505.220; repealing RCW 28A.505.220;
4 repealing 2010 c 236 s 1 (uncodified); providing effective dates;
5 providing an expiration date; and declaring an emergency.

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

7 **Sec. 1.** RCW 28A.150.220 and 2009 c 548 s 104 are each amended to
8 read as follows:

9 (1) In order for students to have the opportunity to develop the
10 basic education knowledge and skills under RCW 28A.150.210, school
11 districts must provide instruction of sufficient quantity and quality
12 and give students the opportunity to complete graduation requirements
13 that are intended to prepare them for postsecondary education, gainful
14 employment, and citizenship. The program established under this
15 section shall be the minimum instructional program of basic education
16 offered by school districts.

17 (2) Each school district shall make available to students the
18 following minimum instructional offering each school year:

1 (a) For students enrolled in grades one through twelve, at least a
2 district-wide annual average of one thousand hours, which shall be
3 increased to at least one thousand eighty instructional hours for
4 students enrolled in each of grades seven through twelve and at least
5 one thousand instructional hours for students in each of grades one
6 through six according to an implementation schedule adopted by the
7 legislature, but not before the 2014-15 school year; and

8 (b) For students enrolled in kindergarten, at least four hundred
9 fifty instructional hours, which shall be increased to at least one
10 thousand instructional hours according to the implementation schedule
11 under RCW 28A.150.315.

12 (3) The instructional program of basic education provided by each
13 school district shall include:

14 (a) Instruction in the essential academic learning requirements
15 under RCW 28A.655.070;

16 (b) Instruction that provides students the opportunity to complete
17 twenty-four credits for high school graduation, subject to a phased-in
18 implementation of the twenty-four credits as established by the
19 legislature. Course distribution requirements may be established by
20 the state board of education under RCW 28A.230.090;

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

25 (d) Supplemental instruction and services for underachieving
26 students through the learning assistance program under RCW 28A.165.005
27 through 28A.165.065;

28 (e) Supplemental instruction and services for eligible and enrolled
29 students whose primary language is other than English through the
30 transitional bilingual instruction program under RCW 28A.180.010
31 through 28A.180.080;

32 (f) The opportunity for an appropriate education at public expense
33 as defined by RCW 28A.155.020 for all eligible students with
34 disabilities as defined in RCW 28A.155.020; and

35 (g) Programs for highly capable students under RCW 28A.185.010
36 through 28A.185.030.

37 (4) Nothing contained in this section shall be construed to require

1 individual students to attend school for any particular number of hours
2 per day or to take any particular courses.

3 (5) Each school district's kindergarten through twelfth grade basic
4 educational program shall be accessible to all students who are five
5 years of age, as provided by RCW 28A.225.160, and less than twenty-one
6 years of age and shall consist of a minimum of one hundred eighty
7 school days per school year in such grades as are conducted by a school
8 district, and one hundred eighty half-days of instruction, or
9 equivalent, in kindergarten, to be increased to a minimum of one
10 hundred eighty school days per school year according to the
11 implementation schedule under RCW 28A.150.315. However, effective May
12 1, 1979, a school district may schedule the last five school days of
13 the one hundred and eighty day school year for noninstructional
14 purposes in the case of students who are graduating from high school,
15 including, but not limited to, the observance of graduation and early
16 release from school upon the request of a student, and all such
17 students may be claimed as a full-time equivalent student to the extent
18 they could otherwise have been so claimed for the purposes of RCW
19 28A.150.250 and 28A.150.260.

20 (6) Nothing in this section precludes a school district from
21 enriching the instructional program of basic education, such as
22 offering additional instruction or providing additional services,
23 programs, or activities that the school district determines to be
24 appropriate for the education of the school district's students.

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

29 **Sec. 2.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to
30 read as follows:

31 The purpose of this section is to provide for the allocation of
32 state funding that the legislature deems necessary to support school
33 districts in offering the minimum instructional program of basic
34 education under RCW 28A.150.220. The allocation shall be determined as
35 follows:

36 (1) The governor shall and the superintendent of public instruction

1 may recommend to the legislature a formula for the distribution of a
2 basic education instructional allocation for each common school
3 district.

4 (2) The distribution formula under this section shall be for
5 allocation purposes only. Except as may be required under chapter
6 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
7 regulations, nothing in this section requires school districts to use
8 basic education instructional funds to implement a particular
9 instructional approach or service. Nothing in this section requires
10 school districts to maintain a particular classroom teacher-to-student
11 ratio or other staff-to-student ratio or to use allocated funds to pay
12 for particular types or classifications of staff. Nothing in this
13 section entitles an individual teacher to a particular teacher planning
14 period.

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

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

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

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

6 (iii) A prototypical elementary school has four hundred average
7 annual full-time equivalent students in grades kindergarten through
8 six.

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

	General education average class size
16	
17	
18	
19	Grades K-3 25.23
20	Grade 4 27.00
21	Grades 5-6 27.00
22	Grades 7-8 28.53
23	Grades 9-12 28.74

24 (b) During the 2011-2013 biennium and beginning with schools with
25 the highest percentage of students eligible for free and reduced-price
26 meals in the prior school year, the general education average class
27 size for grades K-3 shall be reduced until the average class size
28 funded under this subsection (4) is no more than 17.0 full-time
29 equivalent students per teacher beginning in the 2017-18 school year.

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

	Career and technical education average class size
34	
35	
36	
37	Approved career and technical education offered at

1 the middle school and high school level 26.57
 2 Skill center programs meeting the standards established
 3 by the office of the superintendent of public
 4 instruction 22.76

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

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

10 (ii) A specialty average class size for laboratory science,
 11 advanced placement, and international baccalaureate courses.

12 (5) 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
 16

	Elementary	Middle	High
	School	School	School
19 Principals, assistant principals, and other certificated building-level			
20 administrators	1.253	1.353	1.880
21 Teacher librarians, a function that includes information literacy, technology,			
22 and media to support school library media programs	0.663	0.519	0.523
23 Health and social services:			
24 School nurses	0.076	0.060	0.096
25 Social workers	0.042	0.006	0.015
26 Psychologists	0.017	0.002	0.007
27 Guidance counselors, a function that includes parent outreach and			
28 graduation advising	0.493	1.116	1.909
29 Teaching assistance, including any aspect of educational instructional			
30 services provided by classified employees	0.936	0.700	0.652
31 Office support and other noninstructional aides	2.012	2.325	3.269
32 Custodians	1.657	1.942	2.965
33 Classified staff providing student and staff safety	0.079	0.092	0.141
34 Parent involvement coordinators	0.00	0.00	0.00

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

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

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

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

19 (8)(a) Except as provided in (b) of this subsection, the minimum
 20 allocation for each school district shall include allocations per
 21 annual average full-time equivalent student for the following
 22 materials, supplies, and operating costs, to be adjusted for inflation
 23 from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
24 Technology	\$54.43
25 Utilities and insurance	\$147.90
26 Curriculum and textbooks	\$58.44
27 Other supplies and library materials	\$124.07
28 Instructional professional development for certified and 29 classified staff	\$9.04
30 Facilities maintenance	\$73.27
31 Security and central office	\$50.76

35 (b) During the 2011-2013 biennium, the minimum allocation for
 36 maintenance, supplies, and operating costs shall be increased as
 37 specified in the omnibus appropriations act. The following

1 allocations, adjusted for inflation from the 2007-08 school year, are
2 provided in the 2015-16 school year, after which the allocations shall
3 be adjusted annually for inflation as specified in the omnibus
4 appropriations act:

	Per annual average full-time equivalent student in grades K-12
8 Technology	\$113.80
9 Utilities and insurance	\$309.21
10 Curriculum and textbooks	\$122.17
11 Other supplies and library materials	\$259.39
12 Instructional professional development for certificated and 13 classified staff	\$18.89
14 Facilities maintenance	\$153.18
15 Security and central office administration	\$106.12

16 (9) In addition to the amounts provided in subsection (8) of this
17 section, the omnibus appropriations act shall provide an amount based
18 on full-time equivalent student enrollment in each of the following:

19 (a) Exploratory career and technical education courses for students
20 in grades seven through twelve;

21 (b) Laboratory science courses for students in grades nine through
22 twelve;

23 (c) Preparatory career and technical education courses for students
24 in grades nine through twelve offered in a high school; and

25 (d) Preparatory career and technical education courses for students
26 in grades eleven and twelve offered through a skill center.

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

30 (a) To provide supplemental instruction and services for
31 underachieving students through the learning assistance program under
32 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
33 district percentage of students in grades K-12 who were eligible for
34 free or reduced-price meals in the prior school year. The minimum
35 allocation for the program shall provide for each level of prototypical
36 school resources to provide, on a statewide average, 1.5156 hours per
37 week in extra instruction with a class size of fifteen learning
38 assistance program students per teacher.

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

15 (c) To provide additional allocations to support programs for
16 highly capable students under RCW 28A.185.010 through 28A.185.030,
17 allocations shall be based on two and three hundred fourteen one-
18 thousandths percent of each school district's full-time equivalent
19 basic education enrollment. The minimum allocation for the programs
20 shall provide resources to provide, on a statewide average, 2.1590
21 hours per week in extra instruction with fifteen highly capable program
22 students per teacher.

23 (11) The allocations under subsections (4)(a) and (b), (5), (6),
24 and (8) of this section shall be enhanced as provided under RCW
25 28A.150.390 on an excess cost basis to provide supplemental
26 instructional resources for students with disabilities.

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

34 (b) Allocations or enhancements provided under subsections (4),
35 (7), and (9) of this section for exploratory and preparatory career and
36 technical education courses shall be provided only for courses approved
37 by the office of the superintendent of public instruction under chapter
38 28A.700 RCW.

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

5 (b) In the event the legislature rejects the distribution formula
6 recommended by the governor, without adopting a new distribution
7 formula, the distribution formula for the previous school year shall
8 remain in effect.

9 (c) The enrollment of any district shall be the annual average
10 number of full-time equivalent students and part-time students as
11 provided in RCW 28A.150.350, enrolled on the first school day of each
12 month, including students who are in attendance pursuant to RCW
13 28A.335.160 and 28A.225.250 who do not reside within the servicing
14 school district. The definition of full-time equivalent student shall
15 be determined by rules of the superintendent of public instruction and
16 shall be included as part of the superintendent's biennial budget
17 request. The definition shall be based on the minimum instructional
18 hour offerings required under RCW 28A.150.220. Any revision of the
19 present definition shall not take effect until approved by the house
20 ways and means committee and the senate ways and means committee.

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

24 **Sec. 3.** RCW 28A.160.192 and 2010 c 236 s 8 are each amended to
25 read as follows:

26 (1) The superintendent of public instruction shall phase-in the
27 implementation of the distribution formula under this chapter for
28 allocating state funds to school districts for the transportation of
29 students to and from school. The phase-in shall begin no later than
30 the 2011-2013 biennium and be fully implemented by the 2013-2015
31 biennium.

32 (a) The formula must be developed and revised on an ongoing basis
33 using the major cost factors in student transportation, including basic
34 and special student loads, school district land area, average distance
35 to school, roadway miles, and number of locations served. Factors must
36 include all those site characteristics that are statistically

1 significant after analysis of the data required by the revised
2 reporting process.

3 (b) The formula must allocate funds to school districts based on
4 the average predicted costs of transporting students to and from
5 school, using a regression analysis. Only factors that are
6 statistically significant shall be used in the regression analysis.
7 Employee compensation costs included in the allowable transportation
8 expenditures used for the purpose of establishing each school
9 district's independent variable in the regression analysis shall be
10 limited to the base salary or hourly wage rates, fringe benefit rates,
11 and applicable health care rates provided in the omnibus appropriations
12 act.

13 (2) During the phase-in period, funding provided to school
14 districts for student transportation operations shall be distributed on
15 the following basis:

16 (a) Annually, each school district shall receive the lesser of the
17 previous school year's pupil transportation operations allocation, or
18 the total of allowable pupil transportation expenditures identified on
19 the previous school year's final expenditure report to the state plus
20 district indirect expenses using the ~~((state recovery))~~ federal
21 restricted indirect rate ((identified by the superintendent)) as
22 calculated in the district annual financial report; ((and))

23 (b) Annually, the amount identified in (a) of this subsection shall
24 be adjusted for any budgeted increases provided in the omnibus
25 appropriations act for salaries or fringe benefits;

26 (c) Annually, any funds appropriated by the legislature in excess
27 of the maintenance level funding amount for student transportation
28 shall be distributed among school districts on a prorated basis using
29 the difference between the amount identified in (a) adjusted by (b) of
30 this subsection and the amount determined under the formula in RCW
31 28A.160.180; and

32 (d) Allocations provided to recognize the cost of depreciation to
33 districts contracting with private carriers for student transportation
34 shall be deducted from the allowable transportation expenditures in (a)
35 of this subsection.

36 **Sec. 4.** RCW 28A.290.010 and 2010 c 236 s 15 and 2010 c 234 s 4 are
37 each reenacted and amended to read as follows:

1 (1) The quality education council is created to recommend and
2 inform the ongoing implementation by the legislature of an evolving
3 program of basic education and the financing necessary to support such
4 program. The council shall develop strategic recommendations on the
5 program of basic education for the common schools. The council shall
6 take into consideration the capacity report produced under RCW
7 28A.300.172 and the availability of data and progress of implementing
8 the data systems required under RCW 28A.655.210. Any recommendations
9 for modifications to the program of basic education shall be based on
10 evidence that the programs effectively support student learning. The
11 council shall update the statewide strategic recommendations every four
12 years. The recommendations of the council are intended to:

13 (a) Inform future educational policy and funding decisions of the
14 legislature and governor;

15 (b) Identify measurable goals and priorities for the educational
16 system in Washington state for a ten-year time period, including the
17 goals of basic education and ongoing strategies for coordinating
18 statewide efforts to eliminate the achievement gap and reduce student
19 dropout rates; and

20 (c) Enable the state of Washington to continue to implement an
21 evolving program of basic education.

22 (2) The council may request updates and progress reports from the
23 office of the superintendent of public instruction, the state board of
24 education, the professional educator standards board, and the
25 department of early learning on the work of the agencies as well as
26 educational working groups established by the legislature.

27 (3) The chair of the council shall be selected from the
28 councilmembers. The council shall be composed of the following
29 members:

30 (a) Four members of the house of representatives, with two members
31 representing each of the major caucuses and appointed by the speaker of
32 the house of representatives;

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

35 (c) One representative each from the office of the governor, office
36 of the superintendent of public instruction, state board of education,
37 professional educator standards board, and department of early
38 learning; and

1 (d) One nonlegislative representative from the achievement gap
2 oversight and accountability committee established under RCW
3 28A.300.136, to be selected by the members of the committee.

4 (4) In the 2009 fiscal year, the council shall meet as often as
5 necessary as determined by the chair. In subsequent years, the council
6 shall meet no more than four times a year.

7 (5)(a) The council shall submit an initial report to the governor
8 and the legislature by January 1, 2010, detailing its recommendations,
9 including recommendations for resolving issues or decisions requiring
10 legislative action during the 2010 legislative session, and
11 recommendations for any funding necessary to continue development and
12 implementation of chapter 548, Laws of 2009.

13 (b) The initial report shall, at a minimum, include:

14 (i) Consideration of how to establish a statewide beginning teacher
15 mentoring and support system;

16 (ii) Recommendations for a program of early learning for at-risk
17 children;

18 (iii) A recommended schedule for the concurrent phase-in of the
19 changes to the instructional program of basic education and the
20 implementation of the funding formulas and allocations to support the
21 new instructional program of basic education as established under
22 chapter 548, Laws of 2009. The phase-in schedule shall have full
23 implementation completed by September 1, 2018; and

24 (iv) A recommended schedule for phased-in implementation of the new
25 distribution formula for allocating state funds to school districts for
26 the transportation of students to and from school, with phase-in
27 beginning no later than September 1, 2013.

28 (6) The council shall submit a report to the legislature by January
29 1, 2012, ~~((detailing its))~~ that includes the following:

30 (a) Recommendations for a comprehensive plan for a voluntary
31 program of early learning. Before submitting the report, the council
32 shall seek input from the early learning advisory council created in
33 RCW 43.215.090; and

34 (b) Recommendations for an implementation schedule to phase out the
35 funding under RCW 28A.505.220 and phase in statewide the funding under
36 RCW 28A.150.260 by December 31, 2018.

37 (7) The council shall submit a report to the governor and the
38 legislature by December 1, 2010, that includes:

1 (a) Recommendations for specific strategies, programs, and funding,
2 including funding allocations through the funding distribution formula
3 in RCW 28A.150.260, that are designed to close the achievement gap and
4 increase the high school graduation rate in Washington public schools.
5 The council shall consult with the achievement gap oversight and
6 accountability committee and the building bridges work group in
7 developing its recommendations; and

8 (b) Recommendations for assuring adequate levels of state-funded
9 classified staff to support essential school and district services.

10 (8) The council shall be staffed by the office of the
11 superintendent of public instruction and the office of financial
12 management. Additional staff support shall be provided by the state
13 entities with representatives on the council. Senate committee
14 services and the house of representatives office of program research
15 may provide additional staff support.

16 (9) Legislative members of the council shall serve without
17 additional compensation but may be reimbursed for travel expenses in
18 accordance with RCW 44.04.120 while attending sessions of the council
19 or on official business authorized by the council. Nonlegislative
20 members of the council may be reimbursed for travel expenses in
21 accordance with RCW 43.03.050 and 43.03.060.

22 **Sec. 5.** RCW 28A.300.380 and 2010 1st sp.s. c 37 s 913 are each
23 amended to read as follows:

24 (1) To the extent funds are available, the superintendent of public
25 instruction shall maintain support for statewide coordination for
26 career and technical student organizations by providing program staff
27 support that is available to assist in meeting the needs of career and
28 technical student organizations and their members and students. The
29 superintendent may provide additional support to the organizations
30 through contracting with independent coordinators.

31 (2) Career and technical student organizations eligible for
32 technical assistance and other support services under this section are
33 organizations recognized as career and technical student organizations
34 by:

35 (a) The United States department of education; or

36 (b) The superintendent of public instruction, if such recognition

1 is recommended by the Washington association for career and technical
2 education.

3 (3) Career and technical student organizations eligible for
4 technical assistance and other support services under this section
5 include, but are not limited to: The national FFA organization;
6 family, career, and community leaders of America; skillsUSA;
7 distributive education clubs of America; future business leaders of
8 America; and the technology student association.

9 **Sec. 6.** RCW 28A.505.220 and 2009 c 541 s 1 and 2009 c 479 s 18 are
10 each reenacted and amended to read as follows:

11 (1) Total distributions for the student achievement program from
12 the general fund to each school district shall be based upon the
13 average number of full-time equivalent students in the school district
14 during the previous school year as reported to the office of the
15 superintendent of public instruction by August 31st of the previous
16 school year. The superintendent of public instruction shall ensure
17 that moneys generated by skill center students are returned to skill
18 centers.

19 (2) The allocation rate per full-time equivalent student shall be
20 three hundred dollars in the 2005-06 school year, three hundred
21 seventy-five dollars in the 2006-07 school year, and four hundred fifty
22 dollars in the 2007-08 school year. For each subsequent school year,
23 the amount allocated per full-time equivalent student shall be adjusted
24 for inflation by the implicit price deflator as published by the
25 federal bureau of labor statistics. However, for the 2009-10 and 2010-
26 11 school years, the amount allocated per full-time equivalent student
27 shall be as specified in the omnibus appropriations act. For the 2011-
28 12 school year and thereafter, amounts allocated shall be further
29 adjusted so that the allocations are equal to what they would have been
30 if allocations had not been reduced for the 2009-10 and 2010-11 school
31 years. These allocations per full-time equivalent student shall be
32 supported from the distributions from the education legacy trust
33 account created in RCW 83.100.230 and the state general fund.

34 (3) The school district annual amounts as defined in subsection (2)
35 of this section shall be distributed on the monthly apportionment
36 schedule as defined in RCW 28A.510.250.

1 (4) However, during the 2008-09 school year, the school district
2 annual amounts as defined in this section shall be distributed as
3 follows:

4 September: 9.0 percent;
5 October: 9.0 percent;
6 November: 5.5 percent;
7 December: 9.0 percent;
8 January: 9.0 percent;
9 February: 9.0 percent;
10 March: 9.0 percent;
11 April: 9.0 percent;
12 May: 5.5 percent;
13 June: 4.2 percent;
14 July: 11.8 percent; and
15 August: 10.0 percent.

16 (5) It is the legislature's intent that this section be repealed
17 when full statewide implementation of the funding for the prototypical
18 schools under RCW 28A.150.260, including the enhanced funding, is
19 achieved, which must be no later than 2018.

20 **Sec. 7.** RCW 28A.630.016 and 2007 c 522 s 959 are each amended to
21 read as follows:

22 (1)(a) Research has shown that early, intensive interventions can
23 significantly improve reading, written language, and mathematics skills
24 for children who are struggling academically. This early research-
25 based assistance has been successful in reducing the number of children
26 who require specialized programs. Research further suggests that the
27 disabilities of many students with mild and moderate disabilities are
28 correctable through strategic early intervention and the students do
29 not necessitate special education eligibility. However, by being
30 effective in reducing the number of students eligible for these
31 programs, school district funding is reduced.

32 (b) The purpose of the program in this section is to continue
33 support to the existing pilot districts and to encourage other school
34 districts to participate as pilot districts to improve the
35 implementation of high quality general education research-based core
36 instructional programs to meet the needs of students struggling
37 academically, while reducing the number of students inappropriately

1 referred and placed in special education under the specific learning
2 disability eligibility category because of ineffective instructional
3 practices. This will allow special education programs to concentrate
4 specially designed instruction on students who truly require special
5 education services. The goal of this assistance is to effectively
6 address reading, written language, and mathematics difficulties
7 resulting in a substantially greater proportion of students meeting the
8 progressively increasing performance standards for both the aggregate
9 and disaggregated subgroups under federal law.

10 (c) The participating pilot districts implementing the special
11 services pilot program have met the goals of the pilot program
12 resulting in (i) a substantial number of underachieving students
13 meeting the progressively increasing reading performance standards and
14 (ii) a reduction in the number of children who require special
15 education.

16 (2) Seven school districts may participate in the special services
17 pilot program, including two school districts already participating and
18 five additional school districts. The special services pilot program
19 shall begin in the 2007-08 school year and conclude in the 2010-11
20 school year.

21 (3) School districts participating in the pilot program shall
22 receive state special education funding in accordance with state
23 special education funding formulas and a separate pilot program
24 appropriation from sources other than special education funds. The
25 separate appropriation shall be: (a) The school district's estimated
26 state special education funding for the current year based on the
27 school district's average percentage of students age three through
28 twenty-one who were eligible for special education services for the
29 school year before participation as a pilot program as reported to the
30 office of the superintendent of public instruction; minus (b) the
31 school district's actual state special education funding based on the
32 district's current percentage of students age three through twenty-one
33 eligible for special education services as reported to (~~the office~~
34 ~~of~~) the office of the superintendent of public instruction.

35 The superintendent shall adjust the factors in (a) of this
36 subsection for one or more participating school districts, where
37 legislative changes to the special education funding formula impact the
38 funding mechanism of this program.

1 (4) Participation in the pilot program shall not increase or
2 decrease a district's ability to access the safety net for high-cost
3 students by virtue of the district's participation in the program.
4 Districts participating in the pilot program shall have access to the
5 special education safety net using a modified application approach for
6 the office of the superintendent of public instruction demonstration of
7 financial need. The superintendent shall create a modified application
8 to include all special education revenues received by the district, all
9 pilot program funding, expenditures for students with individual
10 education programs, and expenditures for students generating pilot
11 program revenue. Districts participating in the pilot program that
12 seek safety net funding shall convincingly demonstrate to the safety
13 net committee that any change in demonstrated need is not attributable
14 to their participation in this pilot program.

15 (5) School districts participating in the program must agree to:

16 (a) Implement the program as part of the school district's general
17 education curriculum for all students;

18 (b) Use a multitiered service delivery system to provide scientific
19 research-based instructional interventions addressing individual
20 student needs in the areas of reading, written language, or
21 mathematics;

22 (c) Develop and implement an assessment system to conduct universal
23 screening, progress monitoring, targeted assessments, and outcome
24 assessments to identify the reading, written language, or mathematics
25 needs of each student and to monitor student progress;

26 (d) Incorporate student-specific data obtained through the pilot
27 program when conducting an evaluation to determine if the student has
28 a disability;

29 (e) Assure that parents are informed of: The amount and nature of
30 student performance data that is collected and the general education
31 services that are provided; the strategies for increasing the student's
32 rate of learning; the parents' right to make a referral for special
33 education evaluation if they suspect the student has a disability; and
34 the parents' right to have input into designed interventions;

35 (f) Assure that parents are provided assessments of achievement at
36 reasonable intervals addressing student progress during instruction;

37 (g) Actively engage parents as partners in the learning process;

38 (h) Comply with state special education requirements; and

1 (i) Participate and provide staff expertise in the design and
2 implementation of an evaluation of the program as determined by the
3 superintendent of public instruction. Districts shall annually review
4 and report progress, including objective measures or indicators that
5 show the progress towards achieving the purpose and goal of the
6 program, to the office of the superintendent of public instruction.

7 (6) By December 15, 2010, the superintendent of public instruction
8 shall submit a report to the governor and appropriate committees of the
9 legislature that summarizes the effectiveness of the pilot program in
10 this section. The report shall also include a recommendation as to
11 whether or not the pilot program should be continued, expanded, or
12 otherwise modified.

13 (7) This section expires (~~June 30~~) March 1, 2011.

14 NEW SECTION. Sec. 8. RCW 28A.505.220 (Student achievement
15 program--General fund allocation), as now existing or hereafter
16 amended, and 2011 1st sp.s. c ... s 5 (section 6 of this act), 2009 c
17 541 s 1, 2009 c 479 s 18, 2009 c 4 s 901, 2008 c 170 s 401, & 2005 c
18 514 s 1103 are each repealed, effective December 31, 2018.

19 NEW SECTION. Sec. 9. 2010 c 236 s 1 (uncodified) is repealed.

20 NEW SECTION. Sec. 10. Sections 1 through 3 of this act take
21 effect September 1, 2011.

22 NEW SECTION. Sec. 11. Sections 5 and 7 of this act are necessary
23 for the immediate preservation of the public peace, health, or safety,
24 or support of the state government and its existing public
25 institutions, and take effect immediately.

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