

5-10-2007

Errata Sheet to the Declaration of Edmund Robb Authenticating State's Cost Calculation Discovery Responses [Errata Sheet to the 5/4 Calculation Dox. Dec.] 07-2-02323-2-13

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FILED

07 MAY 10 PM 4:14

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

MATHEW & STEPHANIE MCCLEARY, on their own
behalf and on behalf of KELSEY & CARTER
MCCLEARY, their two children in Washington's
public schools; ROBERT & PATTY VENEMA, on their
own behalf and on behalf of HALIE & ROBBIE
VENEMA, their two children in Washington's public
schools; and NETWORK FOR EXCELLENCE IN
WASHINGTON SCHOOLS ("NEWS"), a state-wide
coalition of community groups, public school
districts, and education organizations,

Petitioners,

v.

STATE OF WASHINGTON,

Respondent.

Honorable Paris K. Kallas

Hearing Date:

9:00 a.m., June 1, 2007

No. 07-2-02323-2 SEA

ERRATA SHEET TO THE
DECLARATION OF EDMUND
ROBB AUTHENTICATING
STATE'S COST CALCULATION
DISCOVERY RESPONSES

*[Errata Sheet to the 5/4 Calculation
Dox. Dec.]*

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

The undersigned counsel noticed that courtesy copies of two Washington statutes were
inadvertently omitted from Exhibit "c" to the 5/4 Calculation Dox. Dec. filed on May 4, 2007.
Courtesy copies of those two statutes – Laws of 2005, Ch. 518 and Laws of 2004, Ch. 276 – are
attached for the Court's convenience.

DATED this 10th day of May, 2007.

FOSTER PEPPER PLLC



Edmund W. Robb, WSBA No. 35948
Attorneys for petitioners

ERRATA SHEET TO THE 5/4 CALCULATION
DOX. DEC. - 1

Original

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299 ♦ 206-447-4400

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2459

Chapter 276, Laws of 2004

(partial veto)

58th Legislature
2004 Regular Session

OPERATING BUDGET

EFFECTIVE DATE: 4/1/04

Passed by the House March 11, 2004
Yeas 84 Nays 12

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 11, 2004
Yeas 34 Nays 15

BRAD OWEN

President of the Senate

Approved April 1, 2004, with the exception of sections 103(2), 103(3), 103(6), 103(7); 111, lines 21-22; 203, lines 26-27; 204(2)(d); 513(18); 601(3); 603(12); 604(9); 609(3)(a); 610(11), lines 7-13; 717; 802, page 207, lines 10-14; and 906, which are vetoed.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2459** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED
April 1, 2004 - 12:32 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2459

AS AMENDED BY THE SENATE

subsection shall lapse.

Sec. 402 2003 1st sp.s. c 25 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund -- State Appropriation (FY 2004)	\$20,005,000
General Fund -- State Appropriation (FY 2005)	\$18,855,000
General Fund -- Federal Appropriation	\$4,240,000
General Fund -- Private/Local Appropriation	\$378,000
Death Investigations Account -- State Appropriation	\$4,489,000
Public Safety and Education Account -- State Appropriation	(\$20,852,000)
	<u>\$21,969,000</u>
Enhanced 911 Account -- State Appropriation	\$612,000
County Criminal Justice Assistance Account -- State Appropriation	\$2,649,000
Municipal Criminal Justice Assistance Account -- State Appropriation	\$1,087,000
Fire Service Trust Account -- State Appropriation	\$125,000
Fire Service Training Account -- State Appropriation	\$7,374,000
State Toxics Control Account -- State Appropriation	\$436,000
Violence Reduction and Drug Enforcement Account -- State Appropriation	\$286,000
Fingerprint Identification Account -- State Appropriation	(\$4,405,000)
	<u>\$5,393,000</u>
TOTAL APPROPRIATION	(\$85,793,000)
	<u>\$87,898,000</u>

BEST AVAILABLE IMAGE POSSIBLE

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$750,000 of the fire service training account--state appropriation is provided solely for the implementation of Senate Bill No. 5176 (fire-fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.
- (2) \$200,000 of the fire service training account--state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (3) \$376,000 of the public safety and **education** account--state appropriation is provided solely for additional DNA testing kits.
- (4) \$276,000 of the fingerprint identification account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2532 (modifying commercial driver's license provisions). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

Sec. 501 2003 1st sp.s. c 25 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

for compensation for these staff.

(ii) The appropriations include associated incremental fringe benefit allocations at rates of 8.75 percent for the 2004-05 school year for classified staff. The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in this part V of this act. Increases for general apportionment (basic **education**) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special **education** result from increases in each district's basic **education** allocation per student. Increases for educational service districts and institutional **education** programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$582.47 per month for the 2004-05 school year.

(3) The appropriations in this section provide salary adjustments and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.00	\$0.22
Highly Capable (per formula student)	\$0.93	\$1.89
Transitional Bilingual Education (per eligible bilingual student)	\$2.45	\$4.97
Learning Assistance (per entitlement unit)	\$0.69	(\$1.40) \$2.94

~~((3)) \$116,483,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$570.74 per month for the 2004-05 school year at the following rates:))~~

(4) The adjustments to insurance benefit allocations are at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.22	(\$1.02) \$1.14
Highly Capable (per formula student)	\$1.52	(\$7.00) \$7.72
Transitional Bilingual Education (per eligible bilingual student)	\$3.92	(\$18.40) \$20.30
Learning Assistance (per entitlement unit)	\$3.08	(\$14.46) \$15.95

~~((4))~~ (5) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505 2003 1st sp.s. c 25 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR PUPIL TRANSPORTATION

General Fund -- State Appropriation (FY 2004) ~~(\$201,638,000)~~
\$215,454,000

General Fund -- State Appropriation (FY 2005) ~~(\$210,279,000)~~
\$219,899,000

TOTAL APPROPRIATION ~~(\$411,917,000)~~
\$435,353,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.

(2) A maximum of \$768,000 of this **fiscal** year 2004 appropriation and a maximum of ~~(((\$782,000))~~ \$774,000 of the **fiscal** year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the **fiscal** year 2004 appropriation and \$5,000 of the **fiscal** year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$39.21 per weighted mile in the 2003-04 school year and ~~(((\$39.43))~~ \$39.30 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) ~~((Beginning with))~~ For busses purchased ~~((on or after))~~ between July 1, 2003, and June 30, 2004, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

Sec. 506 2003 1st sp.s. c 25 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund -- State Appropriation (FY 2004) \$3,100,000

General Fund -- State Appropriation (FY 2005) \$3,100,000

General Fund -- Federal Appropriation ~~(((\$272,069,000))~~

\$252,128,000

TOTAL APPROPRIATION ~~(((\$278,269,000))~~

\$258,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$3,000,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$100,000 of the 2005 **fiscal** year appropriation are provided for summer food programs for children in low-income areas.

Sec. 507 2003 1st sp.s. c 25 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR SPECIAL EDUCATION PROGRAMS

General Fund -- State Appropriation (FY 2004) ~~(((\$433,984,000))~~

\$435,061,000

General Fund -- State Appropriation (FY 2005) ~~(((\$427,214,000))~~

\$426,802,000

General Fund -- Federal Appropriation ~~(((\$409,637,000))~~

\$426,450,000

TOTAL APPROPRIATION ~~(((\$1,270,835,000))~~

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special **education** programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special **education** students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate **education** for special **education** students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special **education** excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special **education** students are basic **education** students first;

(ii) As a class, special **education** students are entitled to the full basic **education** allocation; and

(iii) Special **education** students are basic **education** students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special **education** eligible developmentally delayed infants and toddlers, and the mandatory special **education** program for special **education** eligible students ages three to twenty-one. A "special **education** eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized **education** program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic **education** allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic **education** enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic **education** allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic **education** allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational **education**, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic **education** enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special **education** annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic **education** enrollment.

Each district's general fund -- state funded special **education** enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund -- federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special **education** students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic **education** allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund -- federal appropriation is provided for

safety net awards for districts with demonstrated needs for state special **education** funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations.

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special **education** exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

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

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

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

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

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special **education** funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the **fiscal** committees of the legislature.

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

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

(b) Staff of the office of the state auditor; and

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

(11) A maximum of \$678,000 may be expended from the general fund -- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special **education** program.

(12) \$1,000,000 of the general fund -- federal appropriation is provided for projects to provide special **education** students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special **education** services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund -- federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special **education** services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of the general fund -- state funds allocated under this program; however, carry over funds shall be expended in the special **education** program.

Sec. 508 2003 1st sp.s. c 25 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR EDUCATIONAL SERVICE DISTRICTS

General Fund -- State Appropriation (FY 2004) \$3,538,000

General Fund -- State Appropriation (FY 2005) ((~~\$3,537,000~~))
\$3,538,000
TOTAL APPROPRIATION ((~~\$7,075,000~~))
\$7,076,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).
- (2) The educational service districts, at the request of the state board of **education** pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of **education** rules, and submit to the state board of **education** post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509 2003 1st sp.s. c 25 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR LOCAL EFFORT ASSISTANCE

General Fund -- State Appropriation (FY 2004) ((~~\$162,236,000~~))
\$163,049,000
General Fund -- State Appropriation (FY 2005) ((~~\$167,073,000~~))
\$165,578,000
TOTAL APPROPRIATION ((~~\$329,309,000~~))
\$328,627,000

Sec. 510 2003 1st sp.s. c 25 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund -- State Appropriation (FY 2004) ((~~\$18,596,000~~))
\$18,207,000
General Fund -- State Appropriation (FY 2005) ((~~\$19,092,000~~))
\$18,176,000
TOTAL APPROPRIATION ((~~\$37,688,000~~))
\$36,383,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund -- state **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional **education** programs to ensure that districts plan for a full-time summer program.
- (3) State funding for each institutional **education** program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.
- (4) The funded staffing ratios for **education** programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.
- (5) ((~~\$279,000~~)) \$190,000 of the general fund -- state appropriation for **fiscal** year 2004 and ((~~\$286,000~~)) \$142,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511 2003 1st sp.s. c 25 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR PROGRAMS FOR
HIGHLY CAPABLE STUDENTS**

General Fund -- State Appropriation (FY 2004) ~~(((\$6,597,000))~~
\$6,620,000

General Fund -- State Appropriation (FY 2005) ~~(((\$6,614,000))~~
\$6,632,000

TOTAL APPROPRIATION ~~(((\$13,211,000))~~
\$13,252,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and ~~(((\$334.89))~~ \$334.91 per funded student for the 2004-05 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic **education** enrollment.
- (3) \$170,000 of the **fiscal** year 2004 appropriation and \$170,000 of the **fiscal** year 2005 appropriation are provided for the centrum program at Fort Worden state park.
- (4) \$90,000 of the **fiscal** year 2004 appropriation and \$90,000 of the **fiscal** year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 512 2003 1st sp.s. c 25 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR MISCELLANEOUS
PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT
ACT AND THE NO CHILD LEFT BEHIND ACT**

General Fund -- Federal Appropriation ~~(((\$46,198,000))~~
\$42,817,000

*Sec. 513 2003 1st sp.s. c 25 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- EDUCATION REFORM
PROGRAMS**

General Fund -- State Appropriation (FY 2004) ~~(((\$39,107,000))~~
\$38,417,000

General Fund -- State Appropriation (FY 2005) ~~(((\$36,501,000))~~
\$37,709,000

General Fund -- Federal Appropriation ~~(((\$128,402,000))~~
\$164,087,000

TOTAL APPROPRIATION ~~(((\$204,010,000))~~
\$240,213,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$310,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$310,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for the academic achievement and accountability commission.
- (2) ~~(((\$16,050,000))~~ \$15,486,000 of the general fund -- state appropriation for **fiscal** year 2004, ~~(((\$12,511,000))~~ \$13,103,000 of the general fund -- state appropriation for **fiscal** year 2005, and ~~(((\$15,455,000))~~ \$12,310,000 of the general fund -- federal appropriation are provided solely for development and implementation of the Washington assessments of student learning ~~((--Of the general fund--state amounts provided--~~
~~(a) \$222,000 in fiscal year 2004 and \$244,000 in fiscal year 2005 are for providing high school students~~

~~who are not successful in one or more content areas of the Washington assessment of student learning the opportunity to retake the test and \$75,000 of the fiscal year 2004 appropriation is provided for developing alternative assessments as provided in Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amounts in this subsection (a) shall lapse.~~

~~(b) \$300,000 in fiscal year 2004 is for independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning, as provided by Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amount in this subsection (b) shall lapse)) (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL, development of alternative assessments or appeals procedures to implement the certificate of academic achievement, and independent research on the alignment and technical review of reading, writing, and science.~~

(3) \$548,000 of the fiscal year 2004 general fund -- state appropriation and \$548,000 of the fiscal year 2005 general fund -- state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund -- state appropriation for fiscal year 2004 and \$2,348,000 of the general fund -- state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who

request the assistance of peer mentors.

- (5) \$1,959,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$1,959,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.
- (6) \$3,594,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$3,594,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.
- (7) \$2,500,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$2,500,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.
- (8) \$705,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$705,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.
- (9) A maximum of \$250,000 of the general fund -- state appropriation for **fiscal** year 2004 and a maximum of \$250,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling.
- (10) \$3,713,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$3,713,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:
- (a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading that may include research-based reading skills development software for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.
 - (b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.
 - (c) Two or more schools may combine their Washington reading corps programs.
 - (d) A program is eligible for a grant if it meets the following conditions:
 - (i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;
 - (ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;
 - (iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;
 - (iv) It has measurable goals for student reading aligned with the essential academic learning

requirements;

(v) It contains an evaluation component to determine the effectiveness of the program; and

(vi) The program may include a software-based solution to increase the student/tutor ratio to a minimum of 5:1. The selected software program shall be scientifically researched-based.

~~(e) Funding priority shall be given to low-performing schools.~~

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2003 through August 31, 2005.

(11) ~~(((\$1,564,000)) \$1,313,000~~ of the general fund -- state appropriation for **fiscal** year 2004 and ~~(((\$2,497,000)) \$2,473,000~~ of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(12) \$313,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$313,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(13) \$126,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$126,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(14) \$3,046,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$3,046,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(15) \$1,764,000 of the general fund -- state appropriation for **fiscal** year 2004 and \$1,764,000 of the general fund -- state appropriation for **fiscal** year 2005 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics

assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(16) ~~((87,901,000))~~ \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Tukwila school district and the Selah school district for a two-year project designed to improve the districts' performance in reading and math and to close the achievement gap within the district, subject to the following conditions and limitations:

(a) Funds shall be allocated to all schools within the Tukwila school district and Selah school district to implement proven, research-based reading and math intervention software for low-performing students in grades K-12.

(b) The programs may be implemented before, during, or after the regular school day, on Saturdays, or summer intercessions.

(c) A program is eligible for funding if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable research and best practices;

(ii) The program design is comprehensive and includes instruction, ongoing student assessment, professional development, and program management aligned with the district's reading and math curriculum;

(iii) The program provides quality professional development and training for teachers, staff, and volunteer mentors or tutors;

(iv) The program contains an evaluation component to determine the effectiveness of the program, which will be reported to the legislature and the superintendent of public instruction on an annual basis for the duration of the project.

(d) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements, shall be available for each program.

(e) All materials related to the project shall be retained by the district at the end of the two-year term.

(17) \$515,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the math initiative. The office of the superintendent of public instruction shall evaluate textbooks and other instructional materials for math to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math programs and shall work with mentor teachers from around the state to develop guidelines for eligibility, training, and professional development for mentor math teachers.

(18) \$125,822,000 of the general fund -- federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act. Of this amount, \$50,000 of the general fund--federal appropriation for state administration under Title II is provided solely for the joint legislative audit and review committee to conduct a study of state and school district expenditures of Title II monies. The office of superintendent of public instruction shall establish an interagency agreement with the joint legislative audit and review committee to carry out this study.

~~((17) \$25,046,000))~~ (19) \$25,955,000 of the general fund -- federal appropriation is provided for the reading first program under Title I of the no child left behind act.

**Sec. 513 was partially vetoed. See message at end of chapter.*

Sec. 514 2003 1st sp.s. c 25 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund -- State Appropriation (FY 2004) ((~~\$49,791,000~~))

\$50,678,000

General Fund -- State Appropriation (FY 2005) ((~~\$52,062,000~~))

\$54,050,000

General Fund -- Federal Appropriation (FY 2005) ((~~\$46,309,000~~))

\$44,544,000

TOTAL APPROPRIATION ((~~\$148,162,000~~))

\$149,272,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and ((~~\$725.11~~)) \$725.17 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.
- (5) The general fund -- federal appropriation in this section is provided for migrant **education** under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary **education** act.

Sec. 515 2003 1st sp.s. c 25 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR THE LEARNING ASSISTANCE PROGRAM

General Fund -- State Appropriation (FY 2004) ((~~\$65,385,000~~))

\$64,366,000

General Fund -- State Appropriation (FY 2005) ((~~\$64,051,000~~))

\$62,929,000

General Fund -- Federal Appropriation ((~~\$307,178,000~~))

\$301,322,000

TOTAL APPROPRIATION ((~~\$436,614,000~~))

\$428,617,000

(1) The general fund -- state appropriations in this section are subject to the following conditions and limitations:

- (a) Each general fund -- state **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.15 per funded unit for the 2003-04 school year and ((~~\$433.03~~)) \$432.53 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
- (c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.
- (d) A school district's general fund -- state funded units shall be the sum of the following:
 - (i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on

a 1-year lag;

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund -- federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) A school district may carry over from one year to the next up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 516 2003 1st sp.s. c 25 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Fund -- State

Appropriation (FY 2004) (~~(\$203,123,000)~~)

\$214,107,000

Student Achievement Fund -- State

Appropriation (FY 2005) (~~(\$195,080,000)~~)

\$195,535,000

TOTAL APPROPRIATION (~~(\$398,203,000)~~)

\$409,642,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of (~~(\$211.67)~~) \$219.32 per FTE student for the 2003-04 school year and \$254.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state

standards and student needs, reimbursement for higher **education** costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) For the 2003-04 school year, the office of the superintendent of public instruction shall distribute ten percent of the school year allocation to districts each month for the months of September through June. For the 2004-05 school year, the superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

Sec. 517 2003 1st sp.s. c 25 s 517 (uncodified) is amended to read as follows:

K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior **fiscal** periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior **fiscal** period shall be made as reductions in apportionment payments for the current **fiscal** period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current **fiscal** period.

(End of part)

PART VI HIGHER EDUCATION

***Sec. 601** 2003 1st sp.s. c 25 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections 603 through 610 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher **education**. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2003-04 Annual Average	2004-05 Annual Average
University of Washington		
Main campus	((32,427)) 32,458	((32,427)) 32,796
Bothell branch	1,235	1,235
Tacoma branch	((1,484)) 1,494	((1,484)) 1,494
Washington State University		
Main campus	((17,348)) 17,479	((17,364)) 17,670
Spokane branch	((593)) 616	((593)) 616
Tri-Cities branch	((616)) 633	((616)) 633
Vancouver branch	((1,153)) 1,162	((1,153)) 1,162
Central Washington University	((7,666)) 7,809	((7,666)) 7,934
Eastern Washington University	((8,017)) 8,150	((8,017)) 8,228
The Evergreen State College	((3,837)) 3,871	((3,837)) 3,908

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6090

Chapter 518, Laws of 2005

(partial veto)

59th Legislature
2005 Regular Session

FISCAL MATTERS

EFFECTIVE DATE: 5/17/05 - Except section 923, which becomes effective 7/01/06; and section 931, which becomes effective 6/30/05.

Passed by the Senate April 24, 2005
YEAS 25 NAYS 22

CERTIFICATE

BRAD OWEN

President of the Senate
Passed by the House April 24, 2005
YEAS 56 NAYS 42

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6090** as passed by the Senate and the House of Representatives on the dates hereon set forth.

FRANK CHOPP

Speaker of the House of Representatives

THOMAS HOEMANN

Secretary

Approved May 17, 2005, with the exception of Sections 101(1); 204(1)(a); 204(1)(p); 206(11); 209(21); 213(11); 307(9); 307(11); 307(14); 307(19); 717; 718; 721; 805, page 186, lines 21-23; 912; and 1106, page 294, lines 23-24, which are vetoed.

FILED
May 17, 2005 - 3:35 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE SENATE BILL 6090

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

General Fund -- State Appropriation (FY 2007)	\$30,702,000
General Fund -- Federal Appropriation	\$4,356,000
General Fund -- Private/Local Appropriation	\$595,000
Death Investigations Account -- State Appropriation	\$5,615,000
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Public Safety and Education Account -- State Appropriation	\$4,941,000
Enhanced 911 Account -- State Appropriation	\$573,000
County Criminal Justice Assistance Account -- State Appropriation	\$2,883,000
Municipal Criminal Justice Assistance Account -- State Appropriation	\$1,154,000
Fire Service Trust Account -- State Appropriation	\$131,000
Fire Service Training Account -- State Appropriation	\$7,550,000
State Toxics Control Account -- State Appropriation	\$468,000
Violence Reduction and Drug Enforcement Account -- State Appropriation	\$313,000
Fingerprint Identification Account -- State Appropriation	\$6,257,000
Disaster Response Account--State Appropriation	\$2,000
DNA Data Base Account -- State Appropriation	\$150,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$222,000
TOTAL APPROPRIATION	\$102,001,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (2) \$222,000 of the aquatic invasive species prevention account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (3) \$250,000 of the general fund--state appropriation for **fiscal** year 2006 is provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(End of part)

PART V EDUCATION

NEW SECTION. **Sec. 501 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) STATE AGENCY OPERATIONS

General Fund -- State Appropriation (FY 2006)	\$12,946,000
General Fund -- State Appropriation (FY 2007)	\$12,870,000
General Fund -- Federal Appropriation	\$30,248,000
TOTAL APPROPRIATION	\$56,064,000

The appropriations in this section are subject to the following conditions and limitations:

- (a) \$10,836,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$10,910,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this

subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic **education** award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$428,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for the operation and expenses of the state board of **education**, including basic **education** assistance activities.

(c) \$509,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$504,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) \$100,000 of the general fund--state appropriation for **fiscal** year 2006 is provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(e) \$950,000 of the general fund--state appropriation for **fiscal** year 2006 and \$950,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for **fiscal** year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic **education**; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for **fiscal** year 2006 and \$78,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic **education** and career and technical **education**, particularly agricultural and natural sciences **education**, is to be a major element.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006)	\$10,192,000
General Fund--State Appropriation (FY 2007)	\$10,155,000
General Fund--Federal Appropriation	\$47,465,000
TOTAL APPROPRIATION	\$67,812,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$2,541,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health **education**, and training for school staff.

(ii) A maximum of \$96,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$96,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$100,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$11,600,000 of the general fund -- federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) A maximum of \$146,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$146,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$1,939,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the **fiscal** year 2006 appropriation and \$799,000 of the **fiscal** year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public

instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$548,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$31,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$1,224,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$1,079,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for the Washington state leadership assistance for science **education** reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$97,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$146,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for the Washington civil liberties **education** program.

(viii) \$1,000,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$1,000,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) \$1,521,000 of the general fund -- federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$8,292,000 of the general fund -- federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) \$19,587,000 of the general fund -- federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for **fiscal** year 2006 and \$294,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for **fiscal** year 2006 and \$75,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

NEW SECTION. Sec. 502 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR GENERAL APPORTIONMENT

General Fund -- State Appropriation (FY 2006) \$4,180,957,000

General Fund -- State Appropriation (FY 2007) \$4,243,010,000

TOTAL APPROPRIATION \$8,423,967,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations

for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;
- (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic **education** funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic **education** classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic **education** certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational **education** programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic **education** and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in

grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of **education** and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of **education**:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 10.90 percent in the 2005-06 school year and 11.90 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 14.57 percent in the 2005-06 school year and 15.82 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

~~(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of \$9,285 per certificated staff unit in the 2006-07 school year.~~

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of \$22,802 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of \$17,692 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic **education** certificated teachers and the number of actual basic **education** certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic **education** allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$7,621,000 outside the basic **education** formula during **fiscal** years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in **fiscal** year 2006 and a maximum of \$523,000 may be expended in **fiscal** year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 **fiscal** year and a maximum of \$2,035,000 for the 2007 **fiscal** year;

(c) A maximum of \$365,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each **fiscal** year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for **fiscal** year 2006 and \$787,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to \$1,181,000 for the 2005-07 biennium.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and 3.4 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic **education** formula staff units pursuant to subsection (2)(b) through (h) of this section, the following

shall apply:

(a) For three school years following consolidation, the number of basic **education** formula staff units shall not be less than the number of basic **education** formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic **education** formula staff units received by the districts for the school year prior to consolidation and the basic **education** formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION --

BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to **education** and years of experience, as developed by the legislative evaluation and accountability program committee on March 18, 2005, at 10:00 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 6, 2005, at 10:00 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 10.26 percent for school year 2005-06 and 11.26 percent for school year 2006-07 for certificated staff and for classified staff 11.07 percent for school year 2005-06 and 12.32 percent for the 2006-07 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic **education** salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2005-06 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,383	31,204	32,054	32,906	35,640	37,401	36,426	39,161	40,924
1	30,792	31,624	32,485	33,375	36,137	37,889	36,831	39,594	41,345
2	31,181	32,022	32,892	33,850	36,605	38,375	37,239	39,994	41,764
3	31,583	32,431	33,311	34,299	37,049	38,861	37,626	40,373	42,187
4	31,977	32,862	33,747	34,770	37,536	39,361	38,031	40,796	42,623
5	32,384	33,273	34,167	35,247	38,002	39,864	38,442	41,199	43,061
6	32,802	33,672	34,596	35,729	38,472	40,344	38,864	41,607	43,478
7	33,536	34,420	35,356	36,551	39,334	41,258	39,655	42,437	44,362
8	34,612	35,543	36,502	37,796	40,616	42,611	40,899	43,720	45,714
9		36,707	37,713	39,054	41,940	44,002	42,156	45,044	47,106
10			38,938	40,376	43,301	45,432	43,479	46,405	48,535
11				41,737	44,726	46,900	44,840	47,830	50,003

12	43,055	46,189	48,428	46,255	49,292	51,532
13		47,688	49,993	47,720	50,791	53,096
14		49,194	51,618	49,227	52,396	54,721
15		50,474	52,961	50,507	53,758	56,144
16 or more		51,483	54,019	51,517	54,833	57,266

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.
- (7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with **education** reform implementation, and shall not be considered part of basic **education**. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.
- (8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

NEW SECTION. Sec. 504 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION – FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund – State Appropriation (FY 2006) \$73,981,000
 General Fund – State Appropriation (FY 2007) \$186,968,000
Education Legacy Trust Account--State Appropriation \$470,000
 General Fund – Federal Appropriation \$864,000
TOTAL APPROPRIATION \$262,283,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$135,669,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another 1.7 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 10.26 percent for the 2005-06 school year and 11.26 percent for the 2006-07 school year for certificated staff and 11.07 percent for the 2005-06 school year and 12.32 percent for the 2006-07 school year for classified staff.
- (a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic **education**) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special **education** result from increases in each district's basic **education** allocation per student. Increases for educational service districts and institutional **education** programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.
- (b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.28	\$0.68
Highly Capable (per formula student)	\$2.96	\$7.26
Transitional Bilingual Education (per eligible bilingual student)	\$7.92	\$19.44
Learning Assistance (per formula student)	\$1.69	\$4.14

- (c) The appropriations in this section include \$251,000 for **fiscal** year 2006 and \$676,000 for **fiscal** year 2007 for salary increase adjustments for substitute teachers.
- (2) \$126,614,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The

appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and \$679.39 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	\$0.88
Highly Capable (per formula student)	\$2.89	\$5.97
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	\$15.69
Learning Assistance (per formula student)	\$1.49	\$3.11

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR PUPIL TRANSPORTATION

General Fund -- State Appropriation (FY 2006) \$242,170,000
 General Fund -- State Appropriation (FY 2007) \$248,575,000
 TOTAL APPROPRIATION \$490,745,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (2) A maximum of \$796,000 of this **fiscal** year 2006 appropriation and a maximum of \$812,000 of the **fiscal** year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.
- (3) \$5,000 of the **fiscal** year 2006 appropriation and \$5,000 of the **fiscal** year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.
- (4) Allocations for transportation of students shall be based on reimbursement rates of \$41.51 per weighted mile in the 2005-06 school year and \$42.01 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.
- (5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.
- (6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the

superintendent shall notify the office of financial management and the **fiscal** committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the **fiscal** year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

NEW SECTION. Sec. 506 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund -- State Appropriation (FY 2006) \$3,147,000
General Fund -- State Appropriation (FY 2007) \$3,159,000
General Fund -- Federal Appropriation \$288,774,000
TOTAL APPROPRIATION \$295,080,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,000,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$3,000,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for state matching money for federal child nutrition programs.
- (2) \$100,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$100,000 of the 2007 **fiscal** year appropriation are provided for summer food programs for children in low-income areas.
- (3) \$47,000 of the general fund--state appropriation for **fiscal** year 2006 and \$59,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 507 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR SPECIAL EDUCATION PROGRAMS

General Fund -- State Appropriation (FY 2006) \$460,032,000
General Fund -- State Appropriation (FY 2007) \$471,961,000
General Fund -- Federal Appropriation \$435,464,000
TOTAL APPROPRIATION \$1,367,457,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Funding for special **education** programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special **education** students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate **education** for special **education** students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special **education** excess cost allocation funded in this section.
- (2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:
 - (i) Special **education** students are basic **education** students first;
 - (ii) As a class, special **education** students are entitled to the full basic **education** allocation; and
 - (iii) Special **education** students are basic **education** students for the entire school day.
- (b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.
- (3) Each **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special **education** eligible developmentally delayed infants and toddlers, and the mandatory special **education** program for special **education** eligible students ages three to twenty-one. A "special **education** eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized

education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund -- state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund -- federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

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

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

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

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

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

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

- (a) One staff from the office of superintendent of public instruction;
- (b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and
- (c) One or more representatives from school districts or educational service districts knowledgeable of special **education** programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund -- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special **education** program.

(12) A maximum of \$1,000,000 of the general fund -- federal appropriation is provided for projects to provide special **education** students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special **education** ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special **education** services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund -- federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special **education** services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized **education** plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund -- state funds allocated under this program; however, carry over funds shall be expended in the special **education** program.

NEW SECTION. Sec. 508 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR EDUCATIONAL SERVICE DISTRICTS

General Fund -- State Appropriation (FY 2006)	\$3,694,000
General Fund -- State Appropriation (FY 2007)	\$3,724,000
TOTAL APPROPRIATION	\$7,418,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of **education** pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of **education** rules, and submit to the state board of **education** post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR

LOCAL EFFORT ASSISTANCE

General Fund -- State Appropriation (FY 2006) \$174,465,000
General Fund -- State Appropriation (FY 2007) \$182,702,000
TOTAL APPROPRIATION \$357,167,000

NEW SECTION. Sec. 510 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund -- State Appropriation (FY 2006) \$19,084,000
General Fund -- State Appropriation (FY 2007) \$19,673,000
TOTAL APPROPRIATION \$38,757,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund -- state **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional **education** programs to ensure that districts plan for a full-time summer program.
- (3) State funding for each institutional **education** program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.
- (4) The funded staffing ratios for **education** programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.
- (5) \$219,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$219,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.
- (6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund -- State Appropriation (FY 2006) \$6,860,000
General Fund -- State Appropriation (FY 2007) \$6,926,000
TOTAL APPROPRIATION \$13,786,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$347.24 per funded student for the 2005-06 school year and \$349.48 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic **education** enrollment.
- (3) \$170,000 of the **fiscal** year 2006 appropriation and \$170,000 of the **fiscal** year 2007 appropriation are provided for the centrum program at Fort Worden state park.
- (4) \$90,000 of the **fiscal** year 2006 appropriation and \$90,000 of the **fiscal** year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

NEW SECTION. Sec. 512 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund -- Federal Appropriation \$22,084,000

**NEW SECTION. Sec. 513 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION --
EDUCATION REFORM PROGRAMS**

General Fund -- State Appropriation (FY 2006)	\$43,076,000
General Fund -- State Appropriation (FY 2007)	\$40,427,000
General Fund -- Federal Appropriation	\$123,345,000
TOTAL APPROPRIATION	\$206,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

\$19,810,000 of the general fund -- state appropriation for **fiscal** year 2006, \$16,105,000 of the general fund -- state appropriation for **fiscal** year 2007, and \$16,111,000 of the general fund -- federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the **fiscal** year 2006 general fund -- state appropriation and \$548,000 of the **fiscal** year 2007 general fund -- state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$2,348,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each **fiscal** year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$705,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$3,010,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$4,018,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) \$90,399,000 of the general fund -- federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(3) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$338,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$3,046,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely to the office of the

superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for **fiscal** year 2006 and \$1,000,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund -- state appropriation for **fiscal** year 2006 and a maximum of \$250,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$515,000 of the general fund--state appropriation for **fiscal** year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$1,764,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for **fiscal** year 2006 and \$125,000 of the general

fund--state appropriation for **fiscal** year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) \$16,758,000 of the general fund -- federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(4) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$2,500,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(b) \$125,000 of the general fund--state appropriation for **fiscal** year 2006 and \$125,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

- (i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;
- (ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;
- (iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;
- (iv) Measurable goals and evaluation methodology to determine impact;
- (v) Integration of reading strategies from the Washington state early learning and development benchmarks;
- (vi) A plan for marketing and public relations;
- (vii) Strategies for sustaining the program when grant funding is no longer available; and
- (viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for **fiscal** year 2006 and \$850,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for **fiscal** year 2006 and \$3,594,000 of the general fund--state appropriation for **fiscal** year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(5) TECHNOLOGY

(a) \$1,959,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$1,959,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a

process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund -- state appropriation for **fiscal** year 2006 and \$126,000 of the general fund -- state appropriation for **fiscal** year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

NEW SECTION. Sec. 514 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund -- State Appropriation (FY 2006)	\$59,673,000
General Fund -- State Appropriation (FY 2007)	\$63,535,000
General Fund -- Federal Appropriation	\$45,561,000
TOTAL APPROPRIATION	\$168,769,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund **fiscal** year appropriation includes such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (2) The superintendent shall distribute a maximum of \$757.72 per eligible bilingual student in the 2005-06 school year and \$763.70 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.
- (5) The general fund -- federal appropriation in this section is provided for migrant **education** under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary **education** act.

NEW SECTION. Sec. 515 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR THE LEARNING ASSISTANCE PROGRAM

General Fund -- State Appropriation (FY 2006)	\$65,434,000
General Fund -- State Appropriation (FY 2007)	\$65,367,000
Education Legacy Trust Account--State Appropriation	\$24,605,000
General Fund -- Federal Appropriation	\$343,227,000
TOTAL APPROPRIATION	\$498,633,000

(1) The general fund -- state and **education** legacy trust account appropriations in this section are subject to the following conditions and limitations:

- (a) The appropriations include such funds as are necessary to complete the school year ending in the **fiscal** year and for prior **fiscal** year adjustments.
- (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$184.29 per funded student for the 2005-06 school year and \$186.03 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
- (c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:
 - (i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through twelve. Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASL.

(3) The general fund -- federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund -- state or **education** legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 516 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION -- FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account -- State Appropriation \$629,356,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher **education** costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517 K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR

ADJUSTMENTS. State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior **fiscal** periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior **fiscal** period shall be made as reductions in apportionment payments for the current **fiscal** period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current **fiscal** period.

NEW SECTION. Sec. 518 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(End of part)

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601 The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher **education** receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection and described in sections 603 and 949 through 980 of this act shall be the only allowable salary increases provided at institutions of higher **education**, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher **education** receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund -- state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher **education** for policy planning purposes. Institutions of higher **education** shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's