

ESHB 2065 - S AMD  
By Senator Murray

ADOPTED AND ENGROSSED 5/25/11

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) Under Article IX of the Washington  
4 state Constitution, all children are entitled to an opportunity to  
5 receive a basic education. Although the state must assure that  
6 students in public schools have opportunities to participate in the  
7 instructional program of basic education, there is no obligation for  
8 either the state or school districts to provide that instruction using  
9 a particular delivery method or through a particular program.

10 (2) The legislature finds ample evidence of the need to examine and  
11 reconsider policies under which alternative learning that occurs  
12 outside the classroom using an individual student learning plan may be  
13 considered equivalent to full-time attendance in school, including for  
14 funding purposes. Previous legislative studies have raised questions  
15 about financial practices and accountability in alternative learning  
16 experience programs. Since 2005, there has been significant enrollment  
17 growth in alternative learning experience online programs, with  
18 evidence of unexpected financial impact when large numbers of  
19 nonresident students enroll in programs. Based on this evidence, there  
20 is a rational basis on which to conclude that there are different costs  
21 associated with providing a program not primarily based on full-time,  
22 daily contact between teachers and students and not primarily occurring  
23 on-site in a classroom.

24 (3) For these reasons, the legislature intends to allow for  
25 continuing review and revision of the way in which state funding  
26 allocations are used to support alternative learning experience  
27 programs.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150  
29 RCW to read as follows:

1 (1) For purposes of this chapter, "alternative learning experience  
2 program" means a course or set of courses that is:

3 (a) Provided in whole or in part independently from a regular  
4 classroom setting or schedule, but may include some components of  
5 direct instruction;

6 (b) Supervised, monitored, assessed, evaluated, and documented by  
7 a certificated teacher employed by the school district or under  
8 contract as permitted by applicable rules; and

9 (c) Provided in accordance with a written student learning plan  
10 that is implemented pursuant to the school district's policy and rules  
11 adopted by the superintendent of public instruction for alternative  
12 learning experiences.

13 (2) The broad categories of alternative learning experience  
14 programs include, but are not limited to:

15 (a) Online programs as defined in RCW 28A.150.262;

16 (b) Parent partnership programs that include significant  
17 participation and partnership by parents and families in the design and  
18 implementation of a student's learning experience; and

19 (c) Contract-based learning programs.

20 (3) School districts that offer alternative learning experience  
21 programs may not provide any compensation, reimbursement, gift, reward,  
22 or gratuity to any parents, guardians, or students for participation.  
23 School district employees are prohibited from receiving any  
24 compensation or payment as an incentive to increase student enrollment  
25 of out-of-district students in an alternative learning experience  
26 program. This prohibition includes, but is not limited to, providing  
27 funds to parents, guardians, or students for the purchase of  
28 educational materials, supplies, experiences, services, or  
29 technological equipment. A district may purchase educational  
30 materials, equipment, or other nonconsumable supplies for students' use  
31 in alternative learning experience programs if the purchase is  
32 consistent with the district's approved curriculum, conforms to  
33 applicable laws and rules, and is made in the same manner as such  
34 purchases are made for students in the district's regular instructional  
35 program. Items so purchased remain the property of the school district  
36 upon program completion. School districts may not purchase or contract  
37 for instructional or co-curricular experiences and services that are  
38 included in an alternative learning experience written student learning

1 plan, including but not limited to lessons, trips, and other  
2 activities, unless substantially similar experiences and services are  
3 available to students enrolled in the district's regular instructional  
4 program. School districts that purchase or contract for such  
5 experiences and services for students enrolled in an alternative  
6 learning experience program must submit an annual report to the office  
7 of the superintendent of public instruction detailing the costs and  
8 purposes of the expenditures. These requirements extend to contracted  
9 providers of alternative learning experience programs, and each  
10 district shall be responsible for monitoring the compliance of its  
11 providers with these requirements. However, nothing in this section  
12 shall prohibit school districts from contracting with online providers  
13 approved by the office of the superintendent of public instruction  
14 pursuant to chapter 28A.250 RCW.

15 (4) Part-time enrollment in alternative learning experiences is  
16 subject to the provisions of RCW 28A.150.350.

17 (5) The superintendent of public instruction shall adopt rules  
18 defining minimum requirements and accountability for alternative  
19 learning experience programs.

20 **Sec. 3.** RCW 28A.150.262 and 2009 c 542 s 9 are each amended to  
21 read as follows:

22 Under RCW 28A.150.260, the superintendent of public instruction  
23 shall revise the definition of a full-time equivalent student to  
24 include students who receive instruction through alternative learning  
25 experience online programs. As used in this section and section 2 of  
26 this act, an "alternative learning experience online program" is a set  
27 of online courses or an online school program as defined in RCW  
28 28A.250.010 that is delivered to students in whole or in part  
29 independently from a regular classroom schedule. (~~The superintendent~~  
30 ~~of public instruction has the authority to adopt rules to implement the~~  
31 ~~revised definition beginning with the 2005-2007 biennium for school~~  
32 ~~districts claiming state funding for the programs.)) Beginning in the  
33 2013-14 school year, alternative learning experience online programs  
34 must be offered by an online provider approved by the superintendent of  
35 public instruction under RCW 28A.250.020 to meet the definition in this  
36 section. The rules shall include but not be limited to the following:~~

1 (1) Defining a full-time equivalent student under RCW 28A.150.260  
2 or part-time student under RCW 28A.150.350 based upon the district's  
3 estimated average weekly hours of learning activity as identified in  
4 the student's learning plan, as long as the student is found, through  
5 monthly evaluation, to be making satisfactory progress; the rules shall  
6 require districts providing programs under this section to nonresident  
7 students to establish procedures that address, at a minimum, the  
8 coordination of student counting for state funding so that no student  
9 is counted for more than one full-time equivalent in the aggregate;

10 (2) Requiring the board of directors of a school district offering,  
11 or contracting under RCW 28A.150.305 to offer, an alternative learning  
12 experience online program to adopt and annually review written policies  
13 for each program and program provider and to receive an annual report  
14 on its digital alternative learning experience online programs from its  
15 staff;

16 (3) Requiring each school district offering or contracting to offer  
17 an alternative learning experience online program to report annually to  
18 the superintendent of public instruction on the types of programs and  
19 course offerings, and number of students participating;

20 (4) Requiring completion of a program self-evaluation;

21 (5) Requiring documentation of the district of the student's  
22 physical residence;

23 (6) Requiring that supervision, monitoring, assessment, and  
24 evaluation of the alternative learning experience online program be  
25 provided by a certificated (~~(instructional staff))~~ teacher;

26 (7) Requiring each school district offering courses or programs to  
27 identify the ratio of certificated instructional staff to full-time  
28 equivalent students enrolled in such courses or programs, and to  
29 include a description of their ratio as part of the reports required  
30 under subsections (2) and (3) of this section;

31 (8) Requiring reliable methods to verify a student is doing his or  
32 her own work; the methods may include proctored examinations or  
33 projects, including the use of web cams or other technologies.  
34 "Proctored" means directly monitored by an adult authorized by the  
35 school district;

36 (9) Requiring, for each student receiving instruction in an  
37 alternative learning experience online program, a learning plan that  
38 includes a description of course objectives and information on the

1 requirements a student must meet to successfully complete the program  
2 or courses. The rules shall allow course syllabi and other additional  
3 information to be used to meet the requirement for a learning plan;

4 (10) Requiring that the district assess the educational progress of  
5 enrolled students at least annually, using, for full-time students, the  
6 state assessment for the student's grade level and using any other  
7 annual assessments required by the school district. Part-time students  
8 shall also be assessed at least annually. However, part-time students  
9 who are either receiving home-based instruction under chapter 28A.200  
10 RCW or who are enrolled in an approved private school under chapter  
11 28A.195 RCW are not required to participate in the assessments required  
12 under chapter 28A.655 RCW. The rules shall address how students who  
13 reside outside the geographic service area of the school district are  
14 to be assessed;

15 (11) Requiring that each student enrolled in the program have  
16 direct personal contact with a certificated (~~((instructional-staff))~~)  
17 teacher at least weekly until the student completes the course  
18 objectives or the requirements in the learning plan. Direct personal  
19 contact is for the purposes of instruction, review of assignments,  
20 testing, evaluation of student progress, or other learning activities.  
21 Direct personal contact may include the use of telephone, e-mail,  
22 instant messaging, interactive video communication, or other means of  
23 digital communication;

24 (12) Requiring state-funded public schools or public school  
25 programs whose primary purpose is to provide alternative learning  
26 experience online learning programs to receive accreditation through  
27 the Northwest (~~((association-of-accredited-schools))~~) accreditation  
28 commission or another national, regional, or state accreditation  
29 program listed by the office of the superintendent of public  
30 instruction after consultation with the Washington coalition for online  
31 learning;

32 (13) Requiring state-funded public schools or public school  
33 programs whose primary purpose is to provide alternative learning  
34 experience online learning to provide information to students and  
35 parents on whether or not the courses or programs: Cover one or more  
36 of the school district's learning goals or of the state's essential  
37 academic learning requirements or whether they permit the student to

1 meet one or more of the state's or district's graduation requirements;  
2 and

3 (14) Requiring that a school district that provides one or more  
4 alternative learning experience online courses to a student provide the  
5 parent or guardian of the student, prior to the student's enrollment,  
6 with a description of any difference between home-based education as  
7 described in chapter 28A.200 RCW and the enrollment option selected by  
8 the student. The parent or guardian shall sign documentation attesting  
9 to his or her understanding of the difference and the documentation  
10 shall be retained by the district and made available for audit.

11 **Sec. 4.** RCW 28A.250.005 and 2009 c 542 s 1 are each amended to  
12 read as follows:

13 (1) The legislature finds that online learning provides tremendous  
14 opportunities for students to access curriculum, courses, and a unique  
15 learning environment that might not otherwise be available. The  
16 legislature supports and encourages online learning opportunities.

17 (2) However, the legislature also finds that there is a need to  
18 assure quality in online learning, both for the programs and the  
19 administration of those programs. The legislature is the steward of  
20 public funds that support students enrolled in online learning and must  
21 ensure an appropriate accountability system at the state level.

22 (3) Therefore, the legislature intends to take a first step in  
23 improving oversight and quality assurance of online learning programs,  
24 and intends to examine possible additional steps that may need to be  
25 taken to improve financial accountability.

26 (4) The first step in improving quality assurance is to:

27 (a) Provide objective information to students, parents, and  
28 educators regarding available online learning opportunities, including  
29 program and course content, how to register for programs and courses,  
30 teacher qualifications, student-to-teacher ratios, prior course  
31 completion rates, and other evaluative information;

32 (b) Create an approval process for (~~multidistrict~~) online  
33 providers;

34 (c) Enhance statewide equity of student access to high quality  
35 online learning opportunities; and

36 (d) Require school district boards of directors to develop policies  
37 and procedures for student access to online learning opportunities.

1       **Sec. 5.** RCW 28A.250.010 and 2009 c 542 s 2 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5       (1)(a) "Multidistrict online provider" means:

6       (i) A private or nonprofit organization that enters into a contract  
7 with a school district to provide online courses or programs to K-12  
8 students from more than one school district;

9       (ii) A private or nonprofit organization that enters into contracts  
10 with multiple school districts to provide online courses or programs to  
11 K-12 students from those districts; or

12       (iii) Except as provided in (b) of this subsection, a school  
13 district that provides online courses or programs to students who  
14 reside outside the geographic boundaries of the school district.

15       (b) "Multidistrict online provider" does not include a school  
16 district online learning program in which fewer than ten percent of the  
17 students enrolled in the program are from other districts under the  
18 interdistrict student transfer provisions of RCW 28A.225.225.  
19 "Multidistrict online provider" also does not include regional online  
20 learning programs that are jointly developed and implemented by two or  
21 more school districts or an educational service district through an  
22 interdistrict cooperative program agreement that addresses, at minimum,  
23 how the districts share student full-time equivalency for state basic  
24 education funding purposes and how categorical education programs,  
25 including special education, are provided to eligible students.

26       (2)(a) "Online course" means a course (~~(that)~~) where:

27       (i) More than half of the course content is delivered (~~(primarily)~~)  
28 electronically using the internet or other computer-based methods; and

29       (ii) (~~(Is taught by a teacher primarily from a remote location.~~  
30 ~~Students enrolled in an online course may have access to the teacher~~  
31 ~~synchronously, asynchronously, or both))~~ More than half of the teaching  
32 is conducted from a remote location through an online course learning  
33 management system or other online or electronic tools.

34       (b) "Online school program" means a school program that:

35       (i) Offers courses or grade-level coursework that is delivered  
36 primarily electronically using the internet or other computer-based  
37 methods;

1 (ii) Offers courses or grade-level coursework that is taught by a  
2 teacher primarily from a remote location using online or other  
3 electronic tools. Students enrolled in an online program may have  
4 access to the teacher synchronously, asynchronously, or both;

5 (~~Delivers a part-time or full-time sequential program~~)  
6 Offers a sequential set of online courses or grade-level coursework  
7 that may be taken in a single school term or throughout the school year  
8 in a manner that could provide a full-time basic education program if  
9 so desired by the student. Students may enroll in the program as part-  
10 time or full-time students; and

11 (iv) Has an online component of the program with online lessons and  
12 tools for student and data management.

13 (c) An online course or online school program may be delivered to  
14 students at school as part of the regularly scheduled school day. An  
15 online course or online school program also may be delivered to  
16 students, in whole or in part, independently from a regular classroom  
17 schedule, but such courses or programs must comply with RCW 28A.150.262  
18 to qualify for state basic education funding.

19 (3) "Online provider" means any provider of an online course or  
20 program, including multidistrict online providers, all school district  
21 online learning programs, and all regional online learning programs.

22 **Sec. 6.** RCW 28A.250.020 and 2009 c 542 s 3 are each amended to  
23 read as follows:

24 (1) The superintendent of public instruction, in collaboration with  
25 the state board of education, shall develop and implement approval  
26 criteria and a process for approving (~~multidistrict~~) online  
27 providers; a process for monitoring and if necessary rescinding the  
28 approval of courses or programs offered by an online (~~course~~)  
29 provider; and an appeals process. The criteria and processes for  
30 multidistrict online providers shall be adopted by rule by December 1,  
31 2009.

32 (2) When developing the approval criteria, the superintendent of  
33 public instruction shall require that providers offering online courses  
34 or programs have accreditation through the Northwest (~~association of~~  
35 ~~accredited schools~~) accreditation commission or another national,  
36 regional, or state accreditation program listed by the office of the  
37 superintendent of public instruction after consultation with the



1 Washington coalition for online learning. In addition to other  
2 criteria, the approval criteria shall include the degree of alignment  
3 with state academic standards and require that all teachers be  
4 certificated in accordance with Washington state law. When reviewing  
5 (~~multidistrict~~) online providers that offer high school courses, the  
6 superintendent of public instruction shall assure that the courses  
7 offered by the provider are eligible for high school credit. However,  
8 final decisions regarding (~~the awarding of high school credit~~)  
9 whether credit meets the school district's graduation requirements  
10 shall remain the responsibility of the school districts.

11 (3) Initial approval of (~~multidistrict~~) online providers by the  
12 superintendent of public instruction shall be for four years. The  
13 superintendent of public instruction shall develop a process for the  
14 renewal of approvals and for rescinding approvals based on  
15 noncompliance with approval requirements. Any multidistrict online  
16 provider that was approved by the digital learning commons or  
17 accredited by the Northwest association of accredited schools before  
18 July 26, 2009, and that meets the teacher certification requirements of  
19 subsection (2) of this section, is exempt from the initial approval  
20 process under this section until August 31, 2012, but must comply with  
21 the process for renewal of approvals and must comply with approval  
22 requirements.

23 (4) The superintendent of public instruction shall make the first  
24 round of decisions regarding approval of multidistrict online providers  
25 by April 1, 2010. The first round of decisions regarding approval of  
26 online providers that are not multidistrict online providers shall be  
27 made by April 1, 2013. Thereafter, the superintendent of public  
28 instruction shall make annual approval decisions no later than November  
29 1st of each year.

30 (5) The superintendent of public instruction shall establish an  
31 online learning advisory committee within existing resources that shall  
32 provide advice to the superintendent regarding the approval criteria,  
33 major components of the web site, the model school district policy,  
34 model agreements, and other related matters. The committee shall  
35 include a representative of each of the following groups: Private and  
36 public online providers, parents of online students, accreditation  
37 organizations, educational service districts, school principals,  
38 teachers, school administrators, school board members, institutions of

1 higher education, and other individuals as determined by the  
2 superintendent. Members of the advisory committee shall be selected by  
3 the superintendent based on nominations from statewide organizations,  
4 shall serve three-year terms, and may be reappointed. The  
5 superintendent shall select the chair of the committee.

6 **Sec. 7.** RCW 28A.250.030 and 2009 c 542 s 4 are each amended to  
7 read as follows:

8 The superintendent of public instruction shall create an office of  
9 online learning. In the initial establishment of the office, the  
10 superintendent shall hire staff who have been employed by the digital  
11 learning commons to the extent such hiring is in accordance with state  
12 law and to the extent funds are available. The office shall:

13 (1) Develop and maintain a web site that provides objective  
14 information for students, parents, and educators regarding online  
15 learning opportunities offered by ((~~multidistrict~~)) online providers  
16 that have been approved in accordance with RCW 28A.250.020. The web  
17 site shall include information regarding the online course provider's  
18 overall instructional program, specific information regarding the  
19 content of individual online courses and online school programs, a  
20 direct link to each online course provider's web site, how to register  
21 for online learning programs and courses, teacher qualifications,  
22 student-to-teacher ratios, course completion rates, and other  
23 evaluative and comparative information. The web site shall also  
24 provide information regarding the process and criteria for approving  
25 ((~~multidistrict~~)) online providers. To the greatest extent possible,  
26 the superintendent shall use the framework of the course offering  
27 component of the web site developed by the digital learning commons;

28 (2) Develop model agreements with approved ((~~multidistrict~~)) online  
29 providers that address standard contract terms and conditions that may  
30 apply to contracts between a school district and the approved provider.  
31 The purpose of the agreements is to provide a template to assist  
32 individual school districts, at the discretion of the district, in  
33 contracting with ((~~multidistrict~~)) online providers to offer the  
34 ((~~multidistrict~~)) online provider's courses and programs to students in  
35 the district. The agreements may address billing, fees,  
36 responsibilities of online course providers and school districts, and  
37 other issues; and

1 (3) In collaboration with the educational service districts:

2 (a) Provide technical assistance and support to school district  
3 personnel through the educational technology centers in the development  
4 and implementation of online learning programs in their districts; and

5 (b) To the extent funds are available, provide online learning  
6 tools for students, teachers, administrators, and other educators.

7 **Sec. 8.** RCW 28A.250.060 and 2009 c 542 s 7 are each amended to  
8 read as follows:

9 (1) Beginning with the 2011-12 school year, school districts may  
10 claim state (~~basic education~~) funding under RCW 28A.150.260, to the  
11 extent otherwise allowed by state law, for students enrolled in online  
12 courses or programs only if the online courses or programs are:

13 (a) Offered by a multidistrict online provider approved under RCW  
14 28A.250.020 by the superintendent of public instruction;

15 (b) Offered by a school district online learning program if the  
16 program serves students who reside within the geographic boundaries of  
17 the school district, including school district programs in which fewer  
18 than ten percent of the program's students reside outside the school  
19 district's geographic boundaries; or

20 (c) Offered by a regional online learning program where courses are  
21 jointly developed and offered by two or more school districts or an  
22 educational service district through an interdistrict cooperative  
23 program agreement.

24 Beginning with the 2013-14 school year, school districts may  
25 claim state funding under RCW 28A.150.260, to the extent otherwise  
26 allowed by state law, for students enrolled in online courses or  
27 programs only if the online courses or programs are offered by an  
28 online provider approved under RCW 28A.250.020 by the superintendent of  
29 public instruction.

30 (3) Criteria shall be established by the superintendent of public  
31 instruction to allow online courses that have not been approved by the  
32 superintendent of public instruction to be eligible for state funding  
33 if the course is in a subject matter in which no courses have been  
34 approved and, if it is a high school course, the course meets  
35 Washington high school graduation requirements.

1       **Sec. 9.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to  
2 read as follows:

3       The purpose of this section is to provide for the allocation of  
4 state funding that the legislature deems necessary to support school  
5 districts in offering the minimum instructional program of basic  
6 education under RCW 28A.150.220. The allocation shall be determined as  
7 follows:

8       (1) The governor shall and the superintendent of public instruction  
9 may recommend to the legislature a formula for the distribution of a  
10 basic education instructional allocation for each common school  
11 district.

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

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

1 full-time equivalent students in each grade level at each school in the  
2 district and not based on the grade-level configuration of the school  
3 to the extent that data is available. The allocations shall be further  
4 adjusted from the school prototypes with minimum allocations for small  
5 schools and to reflect other factors identified in the omnibus  
6 appropriations act.

7 (b) The total aggregate statewide allocations calculated under  
8 subsections (4) through (12) of this section for full-time equivalent  
9 student enrollment in alternative learning experience programs as  
10 defined in section 2 of this act shall be reduced by fifteen percent  
11 for the 2011-12 and 2012-13 school years. The superintendent of public  
12 instruction shall determine how to implement this aggregate fifteen  
13 percent reduction among the different alternative learning experience  
14 programs. No program may receive less than a ten percent reduction and  
15 no program may receive greater than a twenty percent reduction. In  
16 determining how to implement the reductions among the alternative  
17 learning experience programs, the superintendent of public instruction  
18 must look to both how a program is currently operating as well as how  
19 it has operated in the past, to the extent that data is available, and  
20 must give consideration to the following criteria:

21 (i) The category of program;

22 (ii) The certificated instructional staffing ratio maintained by  
23 the program;

24 (iii) The amount and type of direct personal student-to-teacher  
25 contact used by the program on a weekly basis;

26 (iv) Whether the program uses any classroom-based instructional  
27 time to meet requirements in the written student learning plan for  
28 enrolled students; and

29 (v) For online programs, whether the program is approved by the  
30 superintendent of public instruction under RCW 28A.250.020.

31 (c) The superintendent of public instruction shall report to the  
32 legislature by December 31, 2011, regarding how the reductions in (b)  
33 of this subsection were implemented.

34 (d) For the purposes of this section, prototypical schools are  
35 defined as follows:

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

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

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

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

	General education average class size
14	
15	
16	
17	
18	
19	
20	
21	
Grades K-3 . . . . .	25.23
Grade 4 . . . . .	27.00
Grades 5-6 . . . . .	27.00
Grades 7-8 . . . . .	28.53
Grades 9-12 . . . . .	28.74

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

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

	Career and technical education average class size
32	
33	
34	
35	
36	
37	
Approved career and technical education offered at the middle school and high school level . . . . .	26.57
Skill center programs meeting the standards established	

1 by the office of the superintendent of public  
 2 instruction . . . . . 22.76

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

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

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

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

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

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

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

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

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

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

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

31 (b) During the 2011-2013 biennium, the minimum allocation for  
32 maintenance, supplies, and operating costs shall be increased as  
33 specified in the omnibus appropriations act. The following  
34 allocations, adjusted for inflation from the 2007-08 school year, are  
35 provided in the 2015-16 school year, after which the allocations shall  
36 be adjusted annually for inflation as specified in the omnibus  
37 appropriations act:



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

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

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

17 (b) Laboratory science courses for students in grades nine through  
18 twelve;

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

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

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

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

35 (b) To provide supplemental instruction and services for students  
36 whose primary language is other than English, allocations shall be  
37 based on the head count number of students in each school who are  
38 eligible for and enrolled in the transitional bilingual instruction

1 program under RCW 28A.180.010 through 28A.180.080. The minimum  
2 allocation for each level of prototypical school shall provide  
3 resources to provide, on a statewide average, 4.7780 hours per week in  
4 extra instruction with fifteen transitional bilingual instruction  
5 program students per teacher.

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

14 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
15 and (8) of this section shall be enhanced as provided under RCW  
16 28A.150.390 on an excess cost basis to provide supplemental  
17 instructional resources for students with disabilities.

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

25 (b) Allocations or enhancements provided under subsections (4),  
26 (7), and (9) of this section for exploratory and preparatory career and  
27 technical education courses shall be provided only for courses approved  
28 by the office of the superintendent of public instruction under chapter  
29 28A.700 RCW.

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

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

1 (c) The enrollment of any district shall be the annual average  
2 number of full-time equivalent students and part-time students as  
3 provided in RCW 28A.150.350, enrolled on the first school day of each  
4 month, including students who are in attendance pursuant to RCW  
5 28A.335.160 and 28A.225.250 who do not reside within the servicing  
6 school district. The definition of full-time equivalent student shall  
7 be determined by rules of the superintendent of public instruction and  
8 shall be included as part of the superintendent's biennial budget  
9 request. The definition shall be based on the minimum instructional  
10 hour offerings required under RCW 28A.150.220. Any revision of the  
11 present definition shall not take effect until approved by the house  
12 ways and means committee and the senate ways and means committee.

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

16 **Sec. 10.** RCW 28A.150.100 and 2010 c 236 s 13 are each amended to  
17 read as follows:

18 (1) For the purposes of this section and RCW 28A.150.410 and  
19 28A.400.200, "basic education certificated instructional staff" means  
20 all full-time equivalent classroom teachers, teacher librarians,  
21 guidance counselors, certificated student health services staff, and  
22 other certificated instructional staff in the following programs as  
23 defined for statewide school district accounting purposes: Basic  
24 education, secondary vocational education, general instructional  
25 support, and general supportive services.

26 (2) Each school district shall maintain a ratio of at least forty-  
27 six basic education certificated instructional staff to one thousand  
28 annual average full-time equivalent students. This requirement does  
29 not apply to that portion of a district's annual average full-time  
30 equivalent enrollment that is enrolled in alternative learning  
31 experience programs as defined in section 2 of this act.

32 **Sec. 11.** RCW 28A.250.050 and 2009 c 542 s 6 are each amended to  
33 read as follows:

34 (1) By August 31, 2010, all school district boards of directors  
35 shall develop policies and procedures regarding student access to  
36 online courses and online learning programs. The policies and

1 procedures shall include but not be limited to: Student eligibility  
2 criteria; the types of online courses available to students through the  
3 school district; the methods districts will use to support student  
4 success, which may include a local advisor; when the school district  
5 will and will not pay course fees and other costs; the granting of high  
6 school credit; and a process for students and parents or guardians to  
7 formally acknowledge any course taken for which no credit is given.  
8 The policies and procedures shall take effect beginning with the 2010-  
9 11 school year. School districts shall submit their policies to the  
10 superintendent of public instruction by September 15, 2010. By  
11 December 1, 2010, the superintendent of public instruction shall  
12 summarize the school district policies regarding student access to  
13 online courses and submit a report to the legislature.

14 (2) School districts must award credit for online high school  
15 courses successfully completed by a student that meet the school  
16 district's graduation requirements and are provided by an approved  
17 online provider.

18 (3) School districts shall provide students with information  
19 regarding online courses that are available through the school  
20 district. The information shall include the types of information  
21 described in subsection (1) of this section.

22 ~~((3))~~ (4) When developing local or regional online learning  
23 programs, school districts shall incorporate into the program design  
24 the approval criteria developed by the superintendent of public  
25 instruction under RCW 28A.250.020.

26 NEW SECTION. Sec. 12. Sections 9 and 10 of this act take effect  
27 September 1, 2011.

28 NEW SECTION. Sec. 13. Section 9 of this act expires July 1,  
29 2013."

**ADOPTED AND ENGROSSED 5/25/11**

1        On page 1, line 2 of the title, after "experiences;" strike the  
2 remainder of the title and insert "amending RCW 28A.150.262,  
3 28A.250.005, 28A.250.010, 28A.250.020, 28A.250.030, 28A.250.060,  
4 28A.150.260, 28A.150.100, and 28A.250.050; adding a new section to  
5 chapter 28A.150 RCW; creating a new section; providing an effective  
6 date; and providing an expiration date."

**--- END ---**