

ESHB 2065 - S AMD 478

By Senators Murray, Zarelli

ADOPTED AS AMENDED 05/25/2011

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 (iii) ~~((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 shall
9 remain the responsibility of school districts.

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

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

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

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

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

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

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

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

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

- 1 (a) Provide technical assistance and support to school district
2 personnel through the educational technology centers in the development
3 and implementation of online learning programs in their districts; and
4 (b) To the extent funds are available, provide online learning
5 tools for students, teachers, administrators, and other educators.

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

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

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

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

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

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

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

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

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

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

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

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

1 to the extent that data is available. The allocations shall be further
2 adjusted from the school prototypes with minimum allocations for small
3 schools and to reflect other factors identified in the omnibus
4 appropriations act.

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

19 (i) The category of program;

20 (ii) The certificated instructional staffing ratio maintained by
21 the program;

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

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

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

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

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

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

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

38 and

1 (iii) A prototypical elementary school has four hundred average
2 annual full-time equivalent students in grades kindergarten through
3 six.

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

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

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

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

	Career and technical education average class size
32 Approved career and technical education offered at 33 the middle school and high school level	26.57
34 Skill center programs meeting the standards established 35 by the office of the superintendent of public 36 instruction	22.76

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

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

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

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

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

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

Staff per 1,000
K-12 students

1	Technology	0.628
2	Facilities, maintenance, and grounds	1.813
3	Warehouse, laborers, and mechanics	0.332

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

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

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

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

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

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

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

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

15 (b) Laboratory science courses for students in grades nine through
16 twelve;

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

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

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

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

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

1 resources to provide, on a statewide average, 4.7780 hours per week in
2 extra instruction with fifteen transitional bilingual instruction
3 program students per teacher.

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

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

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

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

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

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

36 (c) The enrollment of any district shall be the annual average
37 number of full-time equivalent students and part-time students as
38 provided in RCW 28A.150.350, enrolled on the first school day of each

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

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

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

15 (1) For the purposes of this section and RCW 28A.150.410 and
16 28A.400.200, "basic education certificated instructional staff" means
17 all full-time equivalent classroom teachers, teacher librarians,
18 guidance counselors, certificated student health services staff, and
19 other certificated instructional staff in the following programs as
20 defined for statewide school district accounting purposes: Basic
21 education, secondary vocational education, general instructional
22 support, and general supportive services.

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

29 NEW SECTION. **Sec. 11.** Sections 9 and 10 of this act take effect
30 September 1, 2011.

31 NEW SECTION. **Sec. 12.** Section 9 of this act expires July 1,
32 2013."

ESHB 2065 - S AMD

By Senators Murray, Zarelli

ADOPTED AS AMENDED 05/25/2011

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, and 28A.150.100; adding a new section to chapter 28A.150
5 RCW; creating a new section; providing an effective date; and providing
6 an expiration date."

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