
ENGROSSED SUBSTITUTE HOUSE BILL 2065

State of Washington 62nd Legislature 2011 1st Special Session

By House Ways & Means (originally sponsored by Representative Hunt)

READ FIRST TIME 05/06/11.

1 AN ACT Relating to allocation of funding for students enrolled in
2 alternative learning experiences; 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; and providing an effective date.

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

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

14 (2) The legislature finds ample evidence of the need to examine and
15 reconsider policies under which alternative learning that occurs
16 outside the classroom using an individual student learning plan may be
17 considered equivalent to full-time attendance in school, including for
18 funding purposes. Previous legislative studies have raised questions
19 about financial practices and accountability in alternative learning

1 experience programs. Since 2005, there has been significant enrollment
2 growth in alternative learning experience online programs, with
3 evidence of unexpected financial impact when large numbers of
4 nonresident students enroll in programs. Based on this evidence, there
5 is a rational basis on which to conclude that there are different costs
6 associated with providing a program not primarily based on full-time,
7 daily contact between teachers and students and not primarily occurring
8 on-site in a classroom.

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

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

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

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

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

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

27 (2) Alternative learning experience programs include, but are not
28 limited to:

29 (a) Alternative learning experience online programs as defined in
30 RCW 28A.150.262;

31 (b) Programs that include significant participation and partnership
32 by parents and families in the design and implementation of a student's
33 learning experience; and

34 (c) Programs that use a written student learning plan to direct the
35 student in independent study.

36 (3) School districts that offer alternative learning experience
37 programs may not provide any compensation, reimbursement, gift, reward,

1 or gratuity to any parents, guardians, or students for participation.
2 This prohibition includes, but is not limited to, providing funds to
3 parents, guardians, or students for the purchase of educational
4 materials, supplies, experiences, services, or technological equipment.
5 A district may purchase educational materials, equipment, or other
6 nonconsumable supplies for students' use in alternative learning
7 experience programs if the purchase is consistent with the district's
8 approved curriculum, conforms to applicable laws and rules, and is made
9 in the same manner as such purchases are made for students in the
10 district's regular instructional program. Items so purchased remain
11 the property of the school district upon program completion. School
12 districts may not purchase or contract for instructional or co-
13 curricular experiences and services that are included in an alternative
14 learning experience written student learning plan, including but not
15 limited to lessons, trips, and other activities, unless such
16 experiences and services are provided in the same manner and to the
17 same extent to students enrolled in the district's regular
18 instructional program. School districts that purchase or contract for
19 such experiences and services for students enrolled in an alternative
20 learning experience program must submit an annual report to the office
21 of the superintendent of public instruction detailing the costs and
22 purposes of the expenditures. These requirements extend to contracted
23 providers of alternative learning experience programs, and each
24 district shall be responsible for monitoring the compliance of its
25 providers with these requirements.

26 (4) To count as a full-time equivalent student or portion thereof
27 for purposes of state funding under RCW 28A.150.260, students
28 participating in alternative learning experience programs must receive
29 one hour per week of face-to-face, in-person instructional contact time
30 from a certificated teacher. The supervising teacher may rely on
31 synchronous digital communication, including telephone or interactive
32 audio or video communications, to meet the requirement for face-to-
33 face, in-person contact with students due to reasons of medical
34 necessity or when the student's temporary travel makes the in-person
35 contact infeasible. For alternative learning experience online
36 programs under RCW 28A.150.262, this requirement may be satisfied by
37 one hour per week of direct personal contact in compliance with RCW
38 28A.150.262(11).

1 (5) Part-time enrollment in alternative learning experiences is
2 subject to the provisions of RCW 28A.150.350.

3 (6) The superintendent of public instruction shall adopt rules
4 defining minimum requirements and accountability for alternative
5 learning experience programs.

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

8 Under RCW 28A.150.260, the superintendent of public instruction
9 shall revise the definition of a full-time equivalent student to
10 include students who receive instruction through alternative learning
11 experience online programs. As used in this section and section 2 of
12 this act, an "alternative learning experience online program" is a set
13 of online courses or an online school program as defined in RCW
14 28A.250.010 that is delivered to students in whole or in part
15 independently from a regular classroom schedule. (~~The superintendent~~
16 ~~of public instruction has the authority to adopt rules to implement the~~
17 ~~revised definition beginning with the 2005-2007 biennium for school~~
18 ~~districts claiming state funding for the programs.)) Beginning in the
19 2012-13 school year, alternative learning experience online programs
20 must be offered by an online provider approved by the superintendent of
21 public instruction under RCW 28A.250.020 to meet the definition in this
22 section. The rules shall include but not be limited to the following:~~

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

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

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

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

6 (5) Requiring documentation of the district of the student's
7 physical residence;

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

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

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

21 (9) Requiring, for each student receiving instruction in an
22 alternative learning experience online program, a learning plan that
23 includes a description of course objectives and information on the
24 requirements a student must meet to successfully complete the program
25 or courses. The rules shall allow course syllabi and other additional
26 information to be used to meet the requirement for a learning plan;

27 (10) Requiring that the district assess the educational progress of
28 enrolled students at least annually, using, for full-time students, the
29 state assessment for the student's grade level and using any other
30 annual assessments required by the school district. Part-time students
31 shall also be assessed at least annually. However, part-time students
32 who are either receiving home-based instruction under chapter 28A.200
33 RCW or who are enrolled in an approved private school under chapter
34 28A.195 RCW are not required to participate in the assessments required
35 under chapter 28A.655 RCW. The rules shall address how students who
36 reside outside the geographic service area of the school district are
37 to be assessed;

1 (11) Requiring that each student enrolled in the program have
2 direct personal contact with a certificated (~~((instructional-staff))~~)
3 teacher at least weekly until the student completes the course
4 objectives or the requirements in the learning plan. Direct personal
5 contact is for the purposes of instruction, review of assignments,
6 testing, evaluation of student progress, or other learning activities.
7 Direct personal contact may include the use of telephone, e-mail,
8 instant messaging, interactive video communication, or other means of
9 digital communication. At least one hour per week of the direct
10 personal contact must be synchronous between the teacher and the
11 student;

12 (12) Requiring state-funded public schools or public school
13 programs whose primary purpose is to provide alternative learning
14 experience online learning programs to receive accreditation through
15 the Northwest (~~((association-of-accredited-schools))~~) accreditation
16 commission or another national, regional, or state accreditation
17 program listed by the office of the superintendent of public
18 instruction after consultation with the Washington coalition for online
19 learning;

20 (13) Requiring state-funded public schools or public school
21 programs whose primary purpose is to provide alternative learning
22 experience online learning to provide information to students and
23 parents on whether or not the courses or programs: Cover one or more
24 of the school district's learning goals or of the state's essential
25 academic learning requirements or whether they permit the student to
26 meet one or more of the state's or district's graduation requirements;
27 and

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

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

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

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

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

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

15 (a) Provide objective information to students, parents, and
16 educators regarding available online learning opportunities, including
17 program and course content, how to register for programs and courses,
18 teacher qualifications, student-to-teacher ratios, prior course
19 completion rates, and other evaluative information;

20 (b) Create an approval process for (~~multidistrict~~) online
21 providers;

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

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

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

28 The definitions in this section apply throughout this chapter
29 unless the context clearly requires otherwise.

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

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

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

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

4 (b) "Multidistrict online provider" does not include a school
5 district online learning program in which fewer than ten percent of the
6 students enrolled in the program are from other districts under the
7 interdistrict student transfer provisions of RCW 28A.225.225.
8 "Multidistrict online provider" also does not include regional online
9 learning programs that are jointly developed and implemented by two or
10 more school districts or an educational service district through an
11 interdistrict cooperative program agreement that addresses, at minimum,
12 how the districts share student full-time equivalency for state basic
13 education funding purposes and how categorical education programs,
14 including special education, are provided to eligible students.

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

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

18 ~~((Is taught by a teacher primarily from a remote location. Students enrolled in an online course may have access to the teacher
19 synchronously, asynchronously, or both))~~ More than half of the teaching
20 is conducted from a remote location through an online course learning
21 management system or other online or electronic tools.
22

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

24 (i) Offers courses or grade-level coursework that is delivered
25 primarily electronically using the internet or other computer-based
26 methods;

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

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

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

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

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

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

12 (1) The superintendent of public instruction, in collaboration with
13 the state board of education, shall develop and implement approval
14 criteria and a process for approving (~~multidistrict~~) online
15 providers; a process for monitoring and if necessary rescinding the
16 approval of courses or programs offered by an online (~~course~~)
17 provider; and an appeals process. The criteria and processes for
18 multidistrict online providers shall be adopted by rule by December 1,
19 2009.

20 (2) When developing the approval criteria, the superintendent of
21 public instruction shall require that providers offering online courses
22 or programs have accreditation through the Northwest (~~association of~~
23 ~~accredited schools~~) accreditation commission or another national,
24 regional, or state accreditation program listed by the office of the
25 superintendent of public instruction after consultation with the
26 Washington coalition for online learning. In addition to other
27 criteria, the approval criteria shall include the degree of alignment
28 with state academic standards and require that all teachers be
29 certificated in accordance with Washington state law. When reviewing
30 (~~multidistrict~~) online providers that offer high school courses, the
31 superintendent of public instruction shall assure that the courses
32 offered by the provider are eligible for high school credit. However,
33 final decisions regarding the awarding of high school credit shall
34 remain the responsibility of school districts.

35 (3) Initial approval of (~~multidistrict~~) online providers by the
36 superintendent of public instruction shall be for four years. The
37 superintendent of public instruction shall develop a process for the

1 renewal of approvals and for rescinding approvals based on
2 noncompliance with approval requirements. Any multidistrict online
3 provider that was approved by the digital learning commons or
4 accredited by the Northwest association of accredited schools before
5 July 26, 2009, and that meets the teacher certification requirements of
6 subsection (2) of this section, is exempt from the initial approval
7 process under this section until August 31, 2012, but must comply with
8 the process for renewal of approvals and must comply with approval
9 requirements.

10 (4) The superintendent of public instruction shall make the first
11 round of decisions regarding approval of multidistrict online providers
12 by April 1, 2010. The first round of decisions regarding approval of
13 online providers that are not multidistrict online providers shall be
14 made by April 1, 2012. Thereafter, the superintendent of public
15 instruction shall make annual approval decisions no later than November
16 1st of each year.

17 (5) The superintendent of public instruction shall establish an
18 online learning advisory committee within existing resources that shall
19 provide advice to the superintendent regarding the approval criteria,
20 major components of the web site, the model school district policy,
21 model agreements, and other related matters. The committee shall
22 include a representative of each of the following groups: Private and
23 public online providers, parents of online students, accreditation
24 organizations, educational service districts, school principals,
25 teachers, school administrators, school board members, institutions of
26 higher education, and other individuals as determined by the
27 superintendent. Members of the advisory committee shall be selected by
28 the superintendent based on nominations from statewide organizations,
29 shall serve three-year terms, and may be reappointed. The
30 superintendent shall select the chair of the committee.

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

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

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

16 (2) Develop model agreements with approved ((~~multidistrict~~)) online
17 providers that address standard contract terms and conditions that may
18 apply to contracts between a school district and the approved provider.
19 The purpose of the agreements is to provide a template to assist
20 individual school districts, at the discretion of the district, in
21 contracting with ((~~multidistrict~~)) online providers to offer the
22 ((~~multidistrict~~)) online provider's courses and programs to students in
23 the district. The agreements may address billing, fees,
24 responsibilities of online course providers and school districts, and
25 other issues; and

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

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

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

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

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

1 (a) Offered by a multidistrict online provider approved under RCW
2 28A.250.020 by the superintendent of public instruction;

3 (b) Offered by a school district online learning program if the
4 program serves students who reside within the geographic boundaries of
5 the school district, including school district programs in which fewer
6 than ten percent of the program's students reside outside the school
7 district's geographic boundaries; or

8 (c) Offered by a regional online learning program where courses are
9 jointly developed and offered by two or more school districts or an
10 educational service district through an interdistrict cooperative
11 program agreement.

12 (2) Beginning with the 2012-13 school year, school districts may
13 claim state funding under RCW 28A.150.260, to the extent otherwise
14 allowed by state law, for students enrolled in online courses or
15 programs only if the online courses or programs are offered by an
16 online provider approved under RCW 28A.250.020 by the superintendent of
17 public instruction.

18 (3) Criteria shall be established by the superintendent of public
19 instruction to allow online courses that have not been approved by the
20 superintendent of public instruction to be eligible for state funding
21 if the course is in a subject matter in which no courses have been
22 approved and, if it is a high school course, the course meets
23 Washington high school graduation requirements.

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

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

31 (1) The governor shall and the superintendent of public instruction
32 may recommend to the legislature a formula for the distribution of a
33 basic education instructional allocation for each common school
34 district.

35 (2) The distribution formula under this section shall be for
36 allocation purposes only. Except as may be required under chapter
37 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and

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

9 (3)(a) To the extent the technical details of the formula have been
10 adopted by the legislature and except when specifically provided as a
11 school district allocation, the distribution formula for the basic
12 education instructional allocation shall be based on minimum staffing
13 and nonstaff costs the legislature deems necessary to support
14 instruction and operations in prototypical schools serving high,
15 middle, and elementary school students as provided in this section.
16 The use of prototypical schools for the distribution formula does not
17 constitute legislative intent that schools should be operated or
18 structured in a similar fashion as the prototypes. Prototypical
19 schools illustrate the level of resources needed to operate a school of
20 a particular size with particular types and grade levels of students
21 using commonly understood terms and inputs, such as class size, hours
22 of instruction, and various categories of school staff. It is the
23 intent that the funding allocations to school districts be adjusted
24 from the school prototypes based on the actual number of annual average
25 full-time equivalent students in each grade level at each school in the
26 district and not based on the grade-level configuration of the school
27 to the extent that data is available. The allocations shall be further
28 adjusted from the school prototypes with minimum allocations for small
29 schools and to reflect other factors identified in the omnibus
30 appropriations act. The allocations calculated under subsections (4)
31 through (12) of this section may be adjusted as provided in the omnibus
32 appropriations act for students whose full-time equivalent enrollment
33 status is calculated based on enrollment in an alternative learning
34 experience program as defined in section 2 of this act.

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

37 (i) A prototypical high school has six hundred average annual full-
38 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 NEW SECTION. **Sec. 11.** Sections 9 and 10 of this act take effect
33 September 1, 2011.

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