
SENATE BILL 6513

State of Washington

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By Senators McAuliffe, Hill, Rolfes, Hobbs, Ericksen, Roach, Shin, and Delvin

Read first time 01/26/12. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to addressing issues of accountability and funding
2 for alternative learning experience programs; amending RCW 28A.150.325;
3 reenacting and amending RCW 28A.150.260; and providing an expiration
4 date.

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

6 **Sec. 1.** RCW 28A.150.325 and 2011 1st sp.s. c 34 s 2 are each
7 amended to read as follows:

8 (1) ~~((For purposes of))~~ The definitions in this subsection apply
9 throughout this chapter~~((,))~~ unless the context clearly requires
10 otherwise.

11 (a) "Alternative learning experience program" means a course or set
12 of courses that is:

13 ~~((a))~~ (i) Provided in whole or in part independently from a
14 regular classroom setting or schedule, but may include some components
15 of direct instruction;

16 ~~((b))~~ (ii) Supervised, monitored, assessed, evaluated, and
17 documented by a certificated teacher employed by the school district or
18 under contract as permitted by applicable rules; and

1 ~~((e))~~ (iii) Provided in accordance with a written student
2 learning plan that is implemented pursuant to the school district's
3 policy and rules adopted by the superintendent of public instruction
4 for alternative learning experiences.

5 (b) "Contract-based learning program" means a program that serves
6 students in grades nine through twelve where students receive an
7 average of at least five hours of classroom-based instruction per week.
8 The running start program established under RCW 28A.600.300 is not a
9 contract-based learning program.

10 (2)(a) For students in grades nine through twelve, all instruction
11 and activities in the student learning plan must generate credits that
12 meet state or local high school graduation requirements.

13 (b) For students in grades kindergarten through eight, all
14 instruction and activities in the student learning plan must be
15 directly related to one or more of the following core academic
16 subjects: English, reading and language arts, writing, science,
17 technology, engineering, mathematics, foreign languages, civics and
18 government, economics, the arts, history, and geography.

19 (c) "Dropout recovery program" means an alternative learning
20 experience program that provides a combination of social support and
21 academic interventions and exclusively serves students who have been
22 suspended or expelled, are pregnant or parenting teens, have dropped
23 out of school, or are significantly at risk of dropping out of school
24 as determined by the school district in which the student resides.

25 (3) The broad categories of alternative learning experience
26 programs include, but are not limited to:

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

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

31 (c) Contract-based learning programs.

32 ~~((3))~~ (4) School districts that offer alternative learning
33 experience programs may not provide any compensation, reimbursement,
34 gift, reward, or gratuity to any parents, guardians, or students for
35 participation. School district employees are prohibited from receiving
36 any compensation or payment as an incentive to increase student
37 enrollment of out-of-district students in an alternative learning
38 experience program. This prohibition includes, but is not limited to,

1 providing funds to parents, guardians, or students for the purchase of
2 educational materials, supplies, experiences, services, or
3 technological equipment. A district may purchase educational
4 materials, equipment, or other nonconsumable supplies for students' use
5 in alternative learning experience programs if the purchase is
6 consistent with the district's approved curriculum, conforms to
7 applicable laws and rules, and is made in the same manner as such
8 purchases are made for students in the district's regular instructional
9 program. Items so purchased remain the property of the school district
10 upon program completion. School districts may not purchase or contract
11 for instructional or co- curricular experiences and services that are
12 included in an alternative learning experience written student learning
13 plan, including but not limited to lessons, trips, and other
14 activities, unless substantially similar experiences and services are
15 available to students enrolled in the district's regular instructional
16 program. School districts that purchase or contract for such
17 experiences and services for students enrolled in an alternative
18 learning experience program must submit an annual report to the office
19 of the superintendent of public instruction detailing the costs and
20 purposes of the expenditures. These requirements extend to contracted
21 providers of alternative learning experience programs, and each
22 district shall be responsible for monitoring the compliance of its
23 providers with these requirements. However, nothing in this section
24 shall prohibit school districts from contracting with online providers
25 approved by the office of the superintendent of public instruction
26 pursuant to chapter 28A.250 RCW.

27 ((+4)) (5) Part-time enrollment in alternative learning
28 experiences is subject to the provisions of RCW 28A.150.350. Part-time
29 students who are enrolled in alternative learning experiences are not
30 exempt from participating in the statewide academic assessment system
31 under RCW 28A.655.070 in the same manner as full-time students.
32 Participation shall be based on a student's completion of the course
33 material that is the subject of the assessment. Nonresident students
34 in alternative learning experience programs may participate in
35 statewide student assessments in the district of residence, subject to
36 that district's planned testing schedule.

37 ((+5)) (6) The superintendent of public instruction shall adopt

1 rules defining minimum requirements and accountability for alternative
2 learning experience programs.

3 **Sec. 2.** RCW 28A.150.260 and 2011 1st sp.s. c 34 s 9 and 2011 1st
4 sp.s. c 27 s 2 are each reenacted and amended to read as follows:

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

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

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

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

1 of instruction, and various categories of school staff. It is the
2 intent that the funding allocations to school districts be adjusted
3 from the school prototypes based on the actual number of annual average
4 full-time equivalent students in each grade level at each school in the
5 district and not based on the grade-level configuration of the school
6 to the extent that data is available. The allocations shall be further
7 adjusted from the school prototypes with minimum allocations for small
8 schools and to reflect other factors identified in the omnibus
9 appropriations act.

10 (b) The total aggregate statewide allocations calculated under
11 subsections (4) through (12) of this section for full-time equivalent
12 student enrollment in alternative learning experience programs as
13 defined in RCW 28A.150.325 shall be reduced by fifteen percent for the
14 2011-12 and 2012-13 school years, except that such reductions do not
15 apply in the 2012-13 school year to student enrollment in contract-
16 based learning programs or dropout recovery programs. The
17 superintendent of public instruction shall determine how to implement
18 this aggregate fifteen percent reduction among the different
19 alternative learning experience programs. No program may receive less
20 than a ten percent reduction and no program may receive greater than a
21 twenty percent reduction. In determining how to implement the
22 reductions among the alternative learning experience programs, the
23 superintendent of public instruction must look to both how a program is
24 currently operating as well as how it has operated in the past, to the
25 extent that data is available, and must give consideration to the
26 following criteria:

27 (i) The category of program;

28 (ii) The certificated instructional staffing ratio maintained by
29 the program;

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

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

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

37 (c) The superintendent of public instruction shall report to the

1 legislature by December 31, 2011, regarding how the reductions in (b)
2 of this subsection were implemented.

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

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

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

10 (iii) A prototypical elementary school has four hundred average
11 annual full-time equivalent students in grades kindergarten through
12 six.

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

	General education average class size
20	
21	
22	
23 Grades K-3	25.23
24 Grade 4	27.00
25 Grades 5-6	27.00
26 Grades 7-8	28.53
27 Grades 9-12	28.74

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

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

Career and technical
education average
class size

1
2
3
4 Approved career and technical education offered at
5 the middle school and high school level 26.57
6 Skill center programs meeting the standards established
7 by the office of the superintendent of public
8 instruction 22.76

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

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

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

16 (5) The minimum allocation for each level of prototypical school
17 shall include allocations for the following types of staff in addition
18 to classroom teachers:
19

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

1 Parent involvement coordinators 0.00 0.00 0.00

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

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

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

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

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

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

1 (b) During the 2011-2013 biennium, the minimum allocation for
2 maintenance, supplies, and operating costs shall be increased as
3 specified in the omnibus appropriations act. The following
4 allocations, adjusted for inflation from the 2007-08 school year, are
5 provided in the 2015-16 school year, after which the allocations shall
6 be adjusted annually for inflation as specified in the omnibus
7 appropriations act:

	Per annual average full-time equivalent student in grades K-12
8	
9	
10	
11 Technology	\$113.80
12 Utilities and insurance	\$309.21
13 Curriculum and textbooks	\$122.17
14 Other supplies and library materials	\$259.39
15 Instructional professional development for certificated and 16 classified staff	\$18.89
17 Facilities maintenance	\$153.18
18 Security and central office administration	\$106.12

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

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

24 (b) Laboratory science courses for students in grades nine through
25 twelve;

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

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

30 (10) In addition to the allocations otherwise provided under this
31 section, amounts shall be provided to support the following programs
32 and services:

33 (a) To provide supplemental instruction and services for
34 underachieving students through the learning assistance program under
35 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
36 district percentage of students in grades K-12 who were eligible for
37 free or reduced-price meals in the prior school year. The minimum
38 allocation for the program shall provide for each level of prototypical

1 school resources to provide, on a statewide average, 1.5156 hours per
2 week in extra instruction with a class size of fifteen learning
3 assistance program students per teacher.

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

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

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

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

37 (b) Allocations or enhancements provided under subsections (4),
38 (7), and (9) of this section for exploratory and preparatory career and

1 technical education courses shall be provided only for courses approved
2 by the office of the superintendent of public instruction under chapter
3 28A.700 RCW.

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

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

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

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

27 NEW SECTION. **Sec. 3.** Section 2 of this act expires July 1, 2013.

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