

2SSB 5794 - H COMM AMD
By Committee on Appropriations

NOT CONSIDERED

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

3 "Sec. 1. 2011 1st sp.s. c 34 s 1 (uncodified) is amended to read
4 as follows:

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

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

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

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

3 (1) ~~((For purposes of this chapter,))~~ The definitions in this
4 subsection apply throughout this chapter unless the context clearly
5 requires otherwise.

6 (a) "Alternative learning experience ((program)) course" means a
7 course ((or set of courses)), or for grades kindergarten through eight
8 grade-level coursework, that is a delivery method for the program of
9 basic education and is:

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

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

16 ~~((c))~~ (iii) Provided in accordance with a written student
17 learning plan that is implemented pursuant to the school district's
18 policy and rules adopted by the superintendent of public instruction
19 for alternative learning experiences.

20 (b) "In-person" means face-to-face instructional contact in a
21 physical classroom environment.

22 (c) "Instructional contact time" means instructional time with a
23 certificated teacher. Instructional contact time must be for the
24 purposes of actual instruction, review of assignments, testing,
25 evaluation of student progress, or other learning activities or
26 requirements identified in the student's written student learning plan.
27 Instructional contact time must be related to an alternative learning
28 experience course identified in the student's written student learning
29 plan. Instructional contact time may occur in a group setting between
30 the teacher and multiple students and may be delivered either in-person
31 or remotely using technology.

32 (d) "Online course" means an alternative learning experience course
33 that has the same meaning as provided in RCW 28A.250.010.

34 (e) "Remote course" means an alternative learning experience course
35 that is not an online course where the student has in-person
36 instructional contact time for less than twenty percent of the total
37 weekly time for the course. No minimum in-person instructional contact
38 time is required.

1 (f) "Site-based course" means an alternative learning experience
2 course where the student has in-person instructional contact time for
3 at least twenty percent of the total weekly time for the course.

4 (g) "Total weekly time" means the estimated average hours per
5 school week the student will engage in learning activities to meet the
6 requirements of the written student learning plan.

7 ~~((The broad categories of alternative learning experience~~
8 ~~programs include, but are not limited to:~~

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

10 ~~(b) Parent partnership programs that include significant~~
11 ~~participation and partnership by parents and families in the design and~~
12 ~~implementation of a student's learning experience; and~~

13 ~~(c) Contract based learning programs))~~ School districts may claim
14 state funding under section 3 of this act, to the extent otherwise
15 allowed by state law including the provisions of RCW 28A.250.060, for
16 students enrolled in remote, site-based, or online alternative learning
17 experience courses. High school courses must meet district or state
18 graduation requirements and be offered for high school credit.

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

1 including but not limited to lessons, trips, and other activities,
2 unless substantially similar experiences and services are available to
3 students enrolled in the district's regular instructional program.
4 School districts that purchase or contract for such experiences and
5 services for students enrolled in an alternative learning experience
6 (~~program~~) course must submit an annual report to the office of the
7 superintendent of public instruction detailing the costs and purposes
8 of the expenditures. These requirements extend to contracted providers
9 of alternative learning experience (~~programs~~) courses, and each
10 district shall be responsible for monitoring the compliance of its
11 providers with these requirements. However, nothing in this
12 (~~section~~) subsection shall prohibit school districts from contracting
13 with school district employees to provide services or experiences to
14 students, or from contracting with online providers approved by the
15 office of the superintendent of public instruction pursuant to chapter
16 28A.250 RCW.

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

19 (5) ~~The superintendent of public instruction shall adopt rules~~
20 ~~defining minimum requirements and accountability for alternative~~
21 ~~learning experience programs)) Each school district offering or
22 contracting to offer alternative learning experience courses must:~~

23 (a) Report annually to the superintendent of public instruction
24 regarding the course types and offerings, and number of students
25 participating in each; and

26 (b) Document the district of residence for each student enrolled in
27 an alternative learning experience course.

28 (5) A school district offering or contracting to offer an
29 alternative learning experience course to a nonresident student must
30 inform the resident school district if the student drops out of the
31 course or is otherwise no longer enrolled.

32 (6) School districts must assess the educational progress of
33 enrolled students at least annually, using, for full-time students, the
34 state assessment for the student's grade level and using any other
35 annual assessments required by the school district. Part-time students
36 must also be assessed at least annually. However, part-time students
37 who are either receiving home-based instruction under chapter 28A.200
38 RCW or who are enrolled in an approved private school under chapter

1 28A.195 RCW are not required to participate in the assessments required
2 under chapter 28A.655 RCW. The rules must address how students who
3 reside outside the geographic service area of the school district are
4 to be assessed.

5 (7) Beginning with the 2013-14 school year, school districts must
6 designate alternative learning experience courses as such when
7 reporting course information to the office of the superintendent of
8 public instruction under RCW 28A.300.500.

9 (8)(a) The superintendent of public instruction shall adopt rules
10 necessary to implement this section.

11 (b) Rules adopted for weekly direct personal contact requirements
12 and monthly progress evaluation must be flexible and reflect the needs
13 of the student and the student's individual learning plan rather than
14 specifying an amount of time. In addition, the rules must reduce
15 documentation requirements, particularly for students making
16 satisfactory progress, based on the unique aspects of the alternative
17 learning experience course types defined in this section and taking
18 into consideration the technical and system capabilities associated
19 with the different course types.

20 (c) The rules must establish procedures that address how the
21 counting of students must be coordinated by resident and nonresident
22 districts for state funding so that no student is counted for more than
23 one full-time equivalent in the aggregate.

24 NEW SECTION. Sec. 3. (1) The superintendent of public instruction
25 shall separately calculate and allocate moneys appropriated under RCW
26 28A.150.260 to school districts for each full-time equivalent student
27 enrolled in an alternative learning experience course that may be
28 claimed for state funding under this section. The calculation shall be
29 based on the estimated statewide annual average allocation per full-
30 time equivalent student in grades nine through twelve in general
31 education, excluding small high school enhancements, and including
32 applicable rules and provisions of the omnibus appropriations act.

33 (2) School districts may claim state funding for students enrolled
34 in alternative learning experience courses under RCW 28A.150.325 (as
35 recodified by this act) and 28A.250.060 as follows:

36 (a) School districts may claim state funding for students who
37 reside in the district.

1 (b) School districts may claim state funding for students who do
2 not reside in the district only if any of the following conditions are
3 met:

4 (i) All alternative learning experience courses identified in the
5 student's written student learning plan are online courses;

6 (ii) The alternative learning experience course in which the
7 student is enrolled is a site-based course;

8 (iii) At least ninety percent of the school district's total
9 headcount number of students enrolled in alternative learning
10 experience courses consists of students who reside in the district.
11 The calculation under this subsection (b)(iii) of the total headcount
12 of students enrolled in alternative learning experience courses must
13 exclude any students claimed under (b)(i) or (ii) of this subsection;
14 or

15 (iv) The student resides in an adjacent school district.

16 **Sec. 4.** RCW 28A.250.010 and 2011 1st sp.s. c 34 s 5 are each
17 amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

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

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

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

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

30 (b) "Multidistrict online provider" does not include a school
31 district online learning program in which fewer than ten percent of the
32 students enrolled in the program are from other districts under the
33 interdistrict student transfer provisions of RCW 28A.225.225.
34 "Multidistrict online provider" also does not include regional online
35 learning programs that are jointly developed and implemented by two or
36 more school districts or an educational service district through an
37 interdistrict cooperative program agreement that addresses, at minimum,

1 how the districts share student full-time equivalency for state basic
2 education funding purposes and how categorical education programs,
3 including special education, are provided to eligible students.

4 (2)(a) "Online course" means a course or grade-level coursework
5 where:

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

9 (ii) More than half of the teaching is conducted from a remote
10 location through an online course learning management system or other
11 online or electronic tools;

12 (iii) A certificated teacher has the primary responsibility for the
13 student's instructional interaction. Instructional interaction between
14 the teacher and the student includes, but is not limited to, direct
15 instruction, review of assignments, assessment, testing, progress
16 monitoring, and educational facilitation; and

17 (iv) Students have access to the teacher synchronously,
18 asynchronously, or both.

19 (b) "Online school program" means a school program that(~~(+~~

20 ~~(i) Offers courses or grade-level coursework that is delivered~~
21 ~~primarily electronically using the internet or other computer-based~~
22 ~~methods;~~

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

27 ~~(iii))~~ offers a sequential set of online courses or grade-level
28 coursework that may be taken in a single school term or throughout the
29 school year in a manner that could provide a full-time basic education
30 program if so desired by the student. Students may enroll in the
31 program as part-time or full-time students(~~(+and~~

32 ~~(iv) Has an online component of the program with online lessons and~~
33 ~~tools for student and data management)).~~

34 (c) An online course or online school program may be delivered to
35 students at school as part of the regularly scheduled school day. An
36 online course or online school program also may be delivered to
37 students, in whole or in part, independently from a regular classroom
38 schedule, but such courses or programs must comply with RCW

1 ((~~28A.150.262~~)) 28A.150.325 (as recodified by this act) and associated
2 rules adopted by the superintendent of public instruction to qualify
3 for state basic education funding.

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

7 **Sec. 5.** RCW 28A.250.020 and 2011 1st sp.s. c 34 s 6 are each
8 amended to read as follows:

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

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

31 (3) Initial approval of online providers by the superintendent of
32 public instruction shall be for four years. The superintendent of
33 public instruction shall develop a process for the renewal of approvals
34 and for rescinding approvals based on noncompliance with approval
35 requirements. Any multidistrict online provider that was approved by
36 the digital learning commons or accredited by the Northwest association
37 of accredited schools before July 26, 2009, and that meets the teacher

1 certification requirements of subsection (2) of this section, is exempt
2 from the initial approval process under this section until August 31,
3 2012, but must comply with the process for renewal of approvals and
4 must comply with approval requirements.

5 (4) The superintendent of public instruction shall make the first
6 round of decisions regarding approval of multidistrict online providers
7 by April 1, 2010. The first round of decisions regarding approval of
8 online providers that are not multidistrict online providers shall be
9 made by April 1, 2013. Thereafter, the superintendent of public
10 instruction shall make annual approval decisions no later than November
11 1st of each year.

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

26 **Sec. 6.** RCW 28A.250.050 and 2011 1st sp.s. c 34 s 11 are each
27 amended to read as follows:

28 (1) By August 31, 2010, all school district boards of directors
29 shall develop policies and procedures regarding student access to
30 online courses and online learning programs. The policies and
31 procedures shall include but not be limited to: Student eligibility
32 criteria; the types of online courses available to students through the
33 school district; the methods districts will use to support student
34 success, which may include a local advisor; when the school district
35 will and will not pay course fees and other costs; the granting of high
36 school credit; and a process for students and parents or guardians to
37 formally acknowledge any course taken for which no credit is given.

1 The policies and procedures shall take effect beginning with the 2010-
2 11 school year. School districts shall submit their policies to the
3 superintendent of public instruction by September 15, 2010. By
4 December 1, 2010, the superintendent of public instruction shall
5 summarize the school district policies regarding student access to
6 online courses and submit a report to the legislature.

7 (2) School districts must award credit and grades for online high
8 school courses successfully completed by a student that meet the school
9 district's graduation requirements and are provided by an approved
10 online provider.

11 (3) School districts shall provide students with information
12 regarding online courses that are available through the school
13 district. The information shall include the types of information
14 described in subsection (1) of this section.

15 (4) When developing local or regional online learning programs,
16 school districts shall incorporate into the program design the approval
17 criteria developed by the superintendent of public instruction under
18 RCW 28A.250.020.

19 **Sec. 7.** RCW 28A.250.060 and 2011 1st sp.s. c 34 s 8 are each
20 amended to read as follows:

21 (1) Beginning with the 2011-12 school year, school districts may
22 claim state funding under (~~RCW 28A.150.260~~) section 3 of this act, to
23 the extent otherwise allowed by state law, for students enrolled in
24 online courses or programs only if the online courses or programs are:

25 (a) Offered by a multidistrict online provider approved under RCW
26 28A.250.020 by the superintendent of public instruction;

27 (b) Offered by a school district online learning program if the
28 program serves students who reside within the geographic boundaries of
29 the school district, including school district programs in which fewer
30 than ten percent of the program's students reside outside the school
31 district's geographic boundaries; or

32 (c) Offered by a regional online learning program where courses are
33 jointly developed and offered by two or more school districts or an
34 educational service district through an interdistrict cooperative
35 program agreement.

36 (2) Beginning with the 2013-14 school year, school districts may
37 claim state funding under (~~RCW 28A.150.260~~) section 3 of this act, to

1 the extent otherwise allowed by state law, for students enrolled in
2 online courses or programs only if the online courses or programs are
3 offered by an online provider approved under RCW 28A.250.020 by the
4 superintendent of public instruction.

5 (3) Criteria shall be established by the superintendent of public
6 instruction to allow online courses that have not been approved by the
7 superintendent of public instruction to be eligible for state funding
8 if the course is in a subject matter in which no courses have been
9 approved and, if it is a high school course, the course meets
10 Washington high school graduation requirements.

11 **Sec. 8.** RCW 28A.250.070 and 2009 c 542 s 8 are each amended to
12 read as follows:

13 Nothing in this chapter is intended to diminish the rights of
14 students to attend a nonresident school district in accordance with RCW
15 28A.225.220 through 28A.225.230 for the purposes of enrolling in online
16 courses or online school programs. The office of online learning under
17 RCW 28A.250.030 shall develop a standard form, which must be used by
18 all school districts, for releasing a student to a nonresident school
19 district for the purposes of enrolling in an online course or online
20 school program.

21 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.250
22 RCW to read as follows:

23 An online school program may request a waiver from the office of
24 the superintendent of public instruction to administer one or more
25 sections of the statewide student assessment for grades three through
26 eight for some or all students enrolled in the program on alternate
27 days or on an alternate schedule, as long as the administration is
28 within the testing period established by the office. The office may
29 deny a request for a waiver if the online school program's proposal
30 does not maintain adequate test security or would reduce the
31 reliability of the assessment results by providing an inequitable
32 advantage for some students.

33 **Sec. 10.** RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2
34 are each reenacted and amended to read as follows:

1 (1) Any board of directors may make agreements with adults choosing
2 to attend school, and may charge the adults reasonable tuition.

3 (2) A district is strongly encouraged to honor the request of a
4 parent or guardian for his or her child to attend a school in another
5 district or the request of a parent or guardian for his or her child to
6 transfer as a student receiving home-based instruction.

7 (3) A district shall release a student to a nonresident district
8 that agrees to accept the student if:

9 (a) A financial, educational, safety, or health condition affecting
10 the student would likely be reasonably improved as a result of the
11 transfer; or

12 (b) Attendance at the school in the nonresident district is more
13 accessible to the parent's place of work or to the location of child
14 care; or

15 (c) There is a special hardship or detrimental condition; or

16 (d) The purpose of the transfer is for the student to enroll in an
17 online course or online school program offered by an online provider
18 approved under RCW 28A.250.020.

19 (4) A district may deny the request of a resident student to
20 transfer to a nonresident district if the release of the student would
21 adversely affect the district's existing desegregation plan.

22 (5) For the purpose of helping a district assess the quality of its
23 education program, a resident school district may request an optional
24 exit interview or questionnaire with the parents or guardians of a
25 child transferring to another district. No parent or guardian may be
26 forced to attend such an interview or complete the questionnaire.

27 (6) Beginning with the 1993-94 school year, school districts may
28 not charge transfer fees or tuition for nonresident students enrolled
29 under subsection (3) of this section and RCW 28A.225.225.
30 Reimbursement of a high school district for cost of educating high
31 school pupils of a nonhigh school district shall not be deemed a
32 transfer fee as affecting the apportionment of current state school
33 funds.

34 **Sec. 11.** RCW 28A.225.225 and 2009 c 380 s 7 are each amended to
35 read as follows:

36 (1) Except for students who reside out-of-state and students under

1 RCW 28A.225.217, a district shall accept applications from nonresident
2 students who are the children of full-time certificated and classified
3 school employees, and those children shall be permitted to enroll:

4 (a) At the school to which the employee is assigned;

5 (b) At a school forming the district's K through 12 continuum which
6 includes the school to which the employee is assigned; or

7 (c) At a school in the district that provides early intervention
8 services pursuant to RCW 28A.155.065 or preschool services pursuant to
9 RCW 28A.155.070, if the student is eligible for such services.

10 (2) A district may reject applications under this section if:

11 (a) The student's disciplinary records indicate a history of
12 convictions for offenses or crimes, violent or disruptive behavior, or
13 gang membership;

14 (b) The student has been expelled or suspended from a public school
15 for more than ten consecutive days. Any policy allowing for
16 readmission of expelled or suspended students under this subsection
17 (2)(b) must apply uniformly to both resident and nonresident
18 applicants; (~~or~~)

19 (c) Enrollment of a child under this section would displace a child
20 who is a resident of the district, except that if a child is admitted
21 under subsection (1) of this section, that child shall be permitted to
22 remain enrolled at that school, or in that district's kindergarten
23 through twelfth grade continuum, until he or she has completed his or
24 her schooling; or

25 (d) The student has repeatedly failed to comply with requirements
26 for participation in an online school program, such as participating in
27 weekly direct contact with the teacher or monthly progress evaluations.

28 (3) Except as provided in subsection (1) of this section, all
29 districts accepting applications from nonresident students or from
30 students receiving home-based instruction for admission to the
31 district's schools shall consider equally all applications received.
32 Each school district shall adopt a policy establishing rational, fair,
33 and equitable standards for acceptance and rejection of applications by
34 June 30, 1990. The policy may include rejection of a nonresident
35 student if:

36 (a) Acceptance of a nonresident student would result in the
37 district experiencing a financial hardship;

1 (b) The student's disciplinary records indicate a history of
2 convictions for offenses or crimes, violent or disruptive behavior, or
3 gang membership; or

4 (c) The student has been expelled or suspended from a public school
5 for more than ten consecutive days. Any policy allowing for
6 readmission of expelled or suspended students under this subsection
7 (3)(c) must apply uniformly to both resident and nonresident
8 applicants.

9 For purposes of subsections (2)(a) and (3)(b) of this section,
10 "gang" means a group which: (i) Consists of three or more persons;
11 (ii) has identifiable leadership; and (iii) on an ongoing basis,
12 regularly conspires and acts in concert mainly for criminal purposes.

13 (4) The district shall provide to applicants written notification
14 of the approval or denial of the application in a timely manner. If
15 the application is rejected, the notification shall include the reason
16 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

17 **Sec. 12.** RCW 28A.150.100 and 2011 1st sp.s. c 34 s 10 are each
18 amended to read as follows:

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

27 (2) Each school district shall maintain a ratio of at least forty-
28 six basic education certificated instructional staff to one thousand
29 annual average full-time equivalent students. This requirement does
30 not apply to that portion of a district's annual average full-time
31 equivalent enrollment that is enrolled in alternative learning
32 experience (~~(programs)~~) courses as defined in RCW 28A.150.325 (as
33 recodified by this act).

34 **Sec. 13.** RCW 28A.525.162 and 2012 c 244 s 2 are each amended to
35 read as follows:

1 (1) Funds appropriated to the superintendent of public instruction
2 from the common school construction fund shall be allotted by the
3 superintendent of public instruction in accordance with this chapter.

4 (2) No allotment shall be made to a school district until such
5 district has provided local funds equal to or greater than the
6 difference between the total approved project cost and the amount of
7 state funding assistance to the district for financing the project
8 computed pursuant to RCW 28A.525.166, with the following exceptions:

9 (a) The superintendent of public instruction may waive the local
10 requirement for state funding assistance for districts which have
11 provided funds for school building construction purposes through the
12 authorization of bonds or through the authorization of excess tax
13 levies or both in an amount equivalent to two and one-half percent of
14 the value of its taxable property, as defined in RCW 39.36.015.

15 (b) No such local funds shall be required as a condition to the
16 allotment of funds from the state for the purpose of making major or
17 minor structural changes to existing school facilities in order to
18 bring such facilities into compliance with the barrier free access
19 requirements of section 504 of the federal rehabilitation act of 1973
20 (29 U.S.C. Sec. 706) and rules implementing the act.

21 (3) For the purpose of computing the state funding assistance
22 percentage under RCW 28A.525.166 when a school district is granted
23 authority to enter into contracts, adjusted valuation per pupil shall
24 be calculated using headcount student enrollments from the most recent
25 October enrollment reports submitted by districts to the superintendent
26 of public instruction, adjusted as follows:

27 (a) In the case of projects for which local bonds were approved
28 after May 11, 1989:

29 (i) For districts which have been designated as serving high school
30 districts under RCW 28A.540.110, students residing in the nonhigh
31 district so designating shall be excluded from the enrollment count if
32 the student is enrolled in any grade level not offered by the nonhigh
33 district;

34 (ii) The enrollment of nonhigh school districts shall be increased
35 by the number of students residing within the district who are enrolled
36 in a serving high school district so designated by the nonhigh school
37 district under RCW 28A.540.110, including only students who are

1 enrolled in grade levels not offered by the nonhigh school district;
2 and

3 (iii) The number of preschool students with disabilities included
4 in the enrollment count shall be multiplied by one-half;

5 (b) In the case of construction or modernization of high school
6 facilities in districts serving students from nonhigh school districts,
7 the adjusted valuation per pupil shall be computed using the combined
8 adjusted valuations and enrollments of each district, each weighted by
9 the percentage of the district's resident high school students served
10 by the high school district;

11 (c) The number of kindergarten students included in the enrollment
12 count shall be counted as one headcount student; and

13 (d) The number of students residing outside the school district who
14 are enrolled in alternative learning experience (~~(programs)~~) courses
15 under RCW 28A.150.325 (as recodified by this act) shall be excluded
16 from the total.

17 (4) In lieu of the exclusion in subsection (3)(d) of this section,
18 a district may submit an alternative calculation for excluding students
19 enrolled in alternative learning experience (~~(programs)~~) courses. The
20 alternative calculation must show the student headcount use of district
21 classroom facilities on a regular basis for a regular duration by out-
22 of-district alternative learning experience (~~(program)~~) students
23 subtracted by the headcount of in-district alternative learning
24 experience (~~(program)~~) students not using district classroom facilities
25 on a regular basis for a reasonable duration. The alternative
26 calculation must be submitted in a form approved by the office of the
27 superintendent of public instruction. The office of the superintendent
28 of public instruction must develop rules to define "regular basis" and
29 "reasonable duration."

30 (5) The superintendent of public instruction, considering policy
31 recommendations from the school facilities citizen advisory panel,
32 shall prescribe such rules as are necessary to equate insofar as
33 possible the efforts made by school districts to provide capital funds
34 by the means aforesaid.

35 (6) For the purposes of this section, "preschool students with
36 disabilities" means children of preschool age who have developmental
37 disabilities who are entitled to services under RCW 28A.155.010 through

1 28A.155.100 and are not included in the kindergarten enrollment count
2 of the district.

3 **Sec. 14.** RCW 28A.525.166 and 2012 c 244 s 3 are each amended to
4 read as follows:

5 Allocations to school districts of state funds provided by RCW
6 28A.525.162 through 28A.525.180 shall be made by the superintendent of
7 public instruction and the amount of state funding assistance to a
8 school district in financing a school plant project shall be determined
9 in the following manner:

10 (1) The boards of directors of the districts shall determine the
11 total cost of the proposed project, which cost may include the cost of
12 acquiring and preparing the site, the cost of constructing the building
13 or of acquiring a building and preparing the same for school use, the
14 cost of necessary equipment, taxes chargeable to the project, necessary
15 architects' fees, and a reasonable amount for contingencies and for
16 other necessary incidental expenses: PROVIDED, That the total cost of
17 the project shall be subject to review and approval by the
18 superintendent.

19 (2) The state funding assistance percentage for a school district
20 shall be computed by the following formula:

21 The ratio of the school district's adjusted valuation per pupil
22 divided by the ratio of the total state adjusted valuation per pupil
23 shall be subtracted from three, and then the result of the foregoing
24 shall be divided by three plus (the ratio of the school district's
25 adjusted valuation per pupil divided by the ratio of the total state
26 adjusted valuation per pupil).

27

	District adjusted	Total state	
	3-valuation	÷ adjusted valuation	
28			
29	Computed	per pupil	State
30	State =	----- = - % Funding	
31	Ratio	District adjusted	Total state
32		3+valuation	÷ adjusted valuation
33		per pupil	per pupil

34 PROVIDED, That in the event the state funding assistance percentage to
35 any school district based on the above formula is less than twenty
36 percent and such school district is otherwise eligible for state
37 funding assistance under RCW 28A.525.162 through 28A.525.180, the

1 superintendent may establish for such district a state funding
2 assistance percentage not in excess of twenty percent of the approved
3 cost of the project, if the superintendent finds that such additional
4 assistance is necessary to provide minimum facilities for housing the
5 pupils of the district.

6 (3) In addition to the computed state funding assistance percentage
7 developed in subsection (2) of this section, a school district shall be
8 entitled to additional percentage points determined by the average
9 percentage of growth for the past three years. One percent shall be
10 added to the computed state funding assistance percentage for each
11 percent of growth, with a maximum of twenty percent.

12 (4) In computing the state funding assistance percentage in
13 subsection (2) of this section and adjusting the percentage under
14 subsection (3) of this section, students residing outside the school
15 district who are enrolled in alternative learning experience
16 (~~(programs)~~) courses under RCW 28A.150.325 (as recodified by this act)
17 shall be excluded from the count of total pupils. In lieu of the
18 exclusion in this subsection, a district may submit an alternative
19 calculation for excluding students enrolled in alternative learning
20 experience (~~(programs)~~) courses. The alternative calculation must show
21 the student headcount use of district classroom facilities on a regular
22 basis for a reasonable duration by out-of-district alternative learning
23 experience (~~(program)~~) students subtracted by the headcount of in-
24 district alternative learning experience (~~(program)~~) students not using
25 district classroom facilities on a regular basis for a reasonable
26 duration. The alternative calculation must be submitted in a form
27 approved by the office of the superintendent of public instruction.
28 The office of the superintendent of public instruction must develop
29 rules to define "regular basis" and "reasonable duration."

30 (5) The approved cost of the project determined in the manner
31 prescribed in this section multiplied by the state funding assistance
32 percentage derived as provided for in this section shall be the amount
33 of state funding assistance to the district for the financing of the
34 project: PROVIDED, That need therefor has been established to the
35 satisfaction of the superintendent: PROVIDED, FURTHER, That additional
36 state funding assistance may be allowed if it is found by the
37 superintendent, considering policy recommendations from the school
38 facilities citizen advisory panel that such assistance is necessary in

1 order to meet (a) a school housing emergency resulting from the
2 destruction of a school building by fire, the condemnation of a school
3 building by properly constituted authorities, a sudden excessive and
4 clearly foreseeable future increase in school population, or other
5 conditions similarly emergent in nature; or (b) a special school
6 housing burden resulting from projects of statewide significance or
7 imposed by virtue of the admission of nonresident students into
8 educational programs established, maintained and operated in conformity
9 with the requirements of law; or (c) a deficiency in the capital funds
10 of the district resulting from financing, subsequent to April 1, 1969,
11 and without benefit of the state funding assistance provided by prior
12 state assistance programs, the construction of a needed school building
13 project or projects approved in conformity with the requirements of
14 such programs, after having first applied for and been denied state
15 funding assistance because of the inadequacy of state funds available
16 for the purpose, or (d) a condition created by the fact that an
17 excessive number of students live in state owned housing, or (e) a need
18 for the construction of a school building to provide for improved
19 school district organization or racial balance, or (f) conditions
20 similar to those defined under (a), (b), (c), (d), and (e) of this
21 subsection, creating a like emergency.

22 NEW SECTION. **Sec. 15.** RCW 28A.150.262 (Defining full-time
23 equivalent student--Students receiving instruction through alternative
24 learning experience online programs--Requirements) and 2011 1st sp.s.
25 c 34 s 3, 2009 c 542 s 9, & 2005 c 356 s 2 are each repealed.

26 NEW SECTION. **Sec. 16.** (1) RCW 28A.150.325 is recodified as a
27 section in chapter 28A.--- RCW (the new chapter created in section 17
28 of this act).

29 (2) 2011 1st sp.s. c 34 s 1 is codified as a section in chapter
30 28A.--- RCW (the new chapter created in section 17 of this act).

31 NEW SECTION. **Sec. 17.** Sections 1 and 3 of this act constitute a
32 new chapter in Title 28A RCW.

33 NEW SECTION. **Sec. 18.** Section 3 of this act takes effect
34 September 1, 2013."

EFFECT: Makes the following changes to the underlying bill:

Replaces "hybrid course" (at least 20% weekly contact, may be remote) with "site-based course" (at least 20% weekly in-person contact).

Retains definitions of "remote" course (<20% in-person weekly contact) and "online" course (defined by current law, with a clarification that a certificated teacher has primary responsibility for the student's instruction). Clarifies that a remote course is one that is not an online course and no minimum in-person instructional contact is required.

Clarifies that "course" includes grade-level coursework for grades K-8.

Adds a definition of "in-person" to mean face-to-face instruction in a physical classroom.

Streamlines the definition of "online school program" to reduce duplication with "online course."

Effective September 1, 2013, allows school districts to claim funding for students in all three types of ALE courses only as follows:

Districts may claim funding if the students are resident to the district.

Districts may claim funding for nonresident students only if:

All ALE courses in the student's learning plan are online courses;

The student is enrolled in a site-based course;

At least 90 percent of the district's total ALE headcount is resident students (students enrolled only in online courses and students in site-based courses are excluded from the total); or

The student resides in an adjacent district.

Removes the OFM funding and accountability study.

Makes technical corrections to other current laws regarding ALE and online courses to align with the use of "courses" rather than "programs", as well as the new funding allocation for ALE based on the statewide average high school BEA. Repeals a section of law dealing with online programs that duplicates existing provisions of law or rule.

Adds the following provisions to the underlying bill:

Provides that SPI rules for weekly personal contact and progress evaluation must reduce documentation requirements, particularly for students making satisfactory progress, based on the unique aspects of the ALE course type.

Requires SPI to adopt rules clarifying how resident & nonresident districts share student count so as not to exceed 1 FTE for online courses.

Requires school districts offering an ALE course to a nonresident student to inform the resident district if a student drops out or is no longer enrolled.

Allows online programs to request a waiver from SPI to conduct state assessments on a different schedule, but still within the overall testing window.

Directs OSPI to develop a standard choice release form for release of a student to an online program in another district.

Requires districts to release a student to enroll in an approved online program in a nonresident district.

Allows nonresident districts to deny choice for an online student who is not following the rules for participation in an online course.

--- END ---