

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2065

62nd Legislature
2011 1st Special Session

Passed by the House May 25, 2011
Yeas 71 Nays 25

Speaker of the House of Representatives

Passed by the Senate May 25, 2011
Yeas 34 Nays 11

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2065** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2065

AS AMENDED BY THE SENATE

Passed Legislature - 2011 1st Special Session

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, 28A.150.100, and 28A.250.050; adding a new section to
5 chapter 28A.150 RCW; creating a new section; providing an effective
6 date; and providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (c) Contract-based learning programs.

35 (3) School districts that offer alternative learning experience
36 programs may not provide any compensation, reimbursement, gift, reward,
37 or gratuity to any parents, guardians, or students for participation.

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

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

33 (5) The superintendent of public instruction shall adopt rules
34 defining minimum requirements and accountability for alternative
35 learning experience programs.

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

1 Under RCW 28A.150.260, the superintendent of public instruction
2 shall revise the definition of a full-time equivalent student to
3 include students who receive instruction through alternative learning
4 experience online programs. As used in this section and section 2 of
5 this act, an "alternative learning experience online program" is a set
6 of online courses or an online school program as defined in RCW
7 28A.250.010 that is delivered to students in whole or in part
8 independently from a regular classroom schedule. (~~The superintendent~~
9 ~~of public instruction has the authority to adopt rules to implement the~~
10 ~~revised definition beginning with the 2005-2007 biennium for school~~
11 ~~districts claiming state funding for the programs.~~) Beginning in the
12 2013-14 school year, alternative learning experience online programs
13 must be offered by an online provider approved by the superintendent of
14 public instruction under RCW 28A.250.020 to meet the definition in this
15 section. The rules shall include but not be limited to the following:

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

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

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

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

36 (5) Requiring documentation of the district of the student's
37 physical residence;

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

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

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

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

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

31 (11) Requiring that each student enrolled in the program have
32 direct personal contact with a certificated (~~((instructional-staff))~~)
33 teacher at least weekly until the student completes the course
34 objectives or the requirements in the learning plan. Direct personal
35 contact is for the purposes of instruction, review of assignments,
36 testing, evaluation of student progress, or other learning activities.
37 Direct personal contact may include the use of telephone, e-mail,

1 instant messaging, interactive video communication, or other means of
2 digital communication;

3 (12) Requiring state-funded public schools or public school
4 programs whose primary purpose is to provide alternative learning
5 experience online learning programs to receive accreditation through
6 the Northwest (~~(association of accredited schools)~~) accreditation
7 commission or another national, regional, or state accreditation
8 program listed by the office of the superintendent of public
9 instruction after consultation with the Washington coalition for online
10 learning;

11 (13) Requiring state-funded public schools or public school
12 programs whose primary purpose is to provide alternative learning
13 experience online learning to provide information to students and
14 parents on whether or not the courses or programs: Cover one or more
15 of the school district's learning goals or of the state's essential
16 academic learning requirements or whether they permit the student to
17 meet one or more of the state's or district's graduation requirements;
18 and

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

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

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

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

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

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

6 (a) Provide objective information to students, parents, and
7 educators regarding available online learning opportunities, including
8 program and course content, how to register for programs and courses,
9 teacher qualifications, student-to-teacher ratios, prior course
10 completion rates, and other evaluative information;

11 (b) Create an approval process for (~~multidistrict~~) online
12 providers;

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

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

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

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

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

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

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

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

31 (b) "Multidistrict online provider" does not include a school
32 district online learning program in which fewer than ten percent of the
33 students enrolled in the program are from other districts under the
34 interdistrict student transfer provisions of RCW 28A.225.225.

35 "Multidistrict online provider" also does not include regional online
36 learning programs that are jointly developed and implemented by two or
37 more school districts or an educational service district through an

1 interdistrict cooperative program agreement that addresses, at minimum,
2 how the districts share student full-time equivalency for state basic
3 education funding purposes and how categorical education programs,
4 including special education, are provided to eligible students.

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

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

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

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

13 (i) Offers courses or grade-level coursework that is delivered
14 primarily electronically using the internet or other computer-based
15 methods;
16

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

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

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

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

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

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

3 (1) The superintendent of public instruction, in collaboration with
4 the state board of education, shall develop and implement approval
5 criteria and a process for approving (~~(multidistrict))~~ online
6 providers; a process for monitoring and if necessary rescinding the
7 approval of courses or programs offered by an online (~~(course))~~
8 provider; and an appeals process. The criteria and processes for
9 multidistrict online providers shall be adopted by rule by December 1,
10 2009.

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

27 (3) Initial approval of (~~(multidistrict))~~ online providers by the
28 superintendent of public instruction shall be for four years. The
29 superintendent of public instruction shall develop a process for the
30 renewal of approvals and for rescinding approvals based on
31 noncompliance with approval requirements. Any multidistrict online
32 provider that was approved by the digital learning commons or
33 accredited by the Northwest association of accredited schools before
34 July 26, 2009, and that meets the teacher certification requirements of
35 subsection (2) of this section, is exempt from the initial approval
36 process under this section until August 31, 2012, but must comply with
37 the process for renewal of approvals and must comply with approval
38 requirements.

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

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

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

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

29 (1) Develop and maintain a web site that provides objective
30 information for students, parents, and educators regarding online
31 learning opportunities offered by ((~~multidistrict~~)) online providers
32 that have been approved in accordance with RCW 28A.250.020. The web
33 site shall include information regarding the online course provider's
34 overall instructional program, specific information regarding the
35 content of individual online courses and online school programs, a
36 direct link to each online course provider's web site, how to register
37 for online learning programs and courses, teacher qualifications,

1 student-to-teacher ratios, course completion rates, and other
2 evaluative and comparative information. The web site shall also
3 provide information regarding the process and criteria for approving
4 ((~~multidistrict~~)) online providers. To the greatest extent possible,
5 the superintendent shall use the framework of the course offering
6 component of the web site developed by the digital learning commons;

7 (2) Develop model agreements with approved ((~~multidistrict~~)) online
8 providers that address standard contract terms and conditions that may
9 apply to contracts between a school district and the approved provider.
10 The purpose of the agreements is to provide a template to assist
11 individual school districts, at the discretion of the district, in
12 contracting with ((~~multidistrict~~)) online providers to offer the
13 ((~~multidistrict~~)) online provider's courses and programs to students in
14 the district. The agreements may address billing, fees,
15 responsibilities of online course providers and school districts, and
16 other issues; and

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

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

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

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

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

29 (a) Offered by a multidistrict online provider approved under RCW
30 28A.250.020 by the superintendent of public instruction;

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

36 (c) Offered by a regional online learning program where courses are

1 jointly developed and offered by two or more school districts or an
2 educational service district through an interdistrict cooperative
3 program agreement.

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

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

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

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

23 (1) The governor shall and the superintendent of public instruction
24 may recommend to the legislature a formula for the distribution of a
25 basic education instructional allocation for each common school
26 district.

27 (2) The distribution formula under this section shall be for
28 allocation purposes only. Except as may be required under chapter
29 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
30 regulations, nothing in this section requires school districts to use
31 basic education instructional funds to implement a particular
32 instructional approach or service. Nothing in this section requires
33 school districts to maintain a particular classroom teacher-to-student
34 ratio or other staff-to-student ratio or to use allocated funds to pay
35 for particular types or classifications of staff. Nothing in this
36 section entitles an individual teacher to a particular teacher planning
37 period.

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

23 (b) The total aggregate statewide allocations calculated under
24 subsections (4) through (12) of this section for full-time equivalent
25 student enrollment in alternative learning experience programs as
26 defined in section 2 of this act shall be reduced by fifteen percent
27 for the 2011-12 and 2012-13 school years. The superintendent of public
28 instruction shall determine how to implement this aggregate fifteen
29 percent reduction among the different alternative learning experience
30 programs. No program may receive less than a ten percent reduction and
31 no program may receive greater than a twenty percent reduction. In
32 determining how to implement the reductions among the alternative
33 learning experience programs, the superintendent of public instruction
34 must look to both how a program is currently operating as well as how
35 it has operated in the past, to the extent that data is available, and
36 must give consideration to the following criteria:

37 (i) The category of program;

1 (ii) The certificated instructional staffing ratio maintained by
2 the program;

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

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

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

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

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

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

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

20 (iii) A prototypical elementary school has four hundred average
21 annual full-time equivalent students in grades kindergarten through
22 six.

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

	General education average class size
33 Grades K-3	25.23
34 Grade 4	27.00
35 Grades 5-6	27.00
36 Grades 7-8	28.53
37 Grades 9-12	28.74

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

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

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

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

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

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

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

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	0.663	0.519	0.523

1	Health and social services:			
2	School nurses.....	0.076	0.060	0.096
3	Social workers.....	0.042	0.006	0.015
4	Psychologists.....	0.017	0.002	0.007
5	Guidance counselors, a function that includes parent outreach and			
6	graduation advising.....	0.493	1.116	1.909
7	Teaching assistance, including any aspect of educational instructional			
8	services provided by classified employees.....	0.936	0.700	0.652
9	Office support and other noninstructional aides.....	2.012	2.325	3.269
10	Custodians.....	1.657	1.942	2.965
11	Classified staff providing student and staff safety.....	0.079	0.092	0.141
12	Parent involvement coordinators.....	0.00	0.00	0.00

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

17		Staff per 1,000
18		K-12 students
19	Technology	0.628
20	Facilities, maintenance, and grounds	1.813
21	Warehouse, laborers, and mechanics	0.332

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

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

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

36 Per annual average

1		full-time equivalent student	
2			in grades K-12
3	Technology		\$54.43
4	Utilities and insurance		\$147.90
5	Curriculum and textbooks		\$58.44
6	Other supplies and library materials		\$124.07
7	Instructional professional development for certified and		
8	classified staff		\$9.04
9	Facilities maintenance		\$73.27
10	Security and central office		\$50.76

11 (b) During the 2011-2013 biennium, the minimum allocation for
12 maintenance, supplies, and operating costs shall be increased as
13 specified in the omnibus appropriations act. The following
14 allocations, adjusted for inflation from the 2007-08 school year, are
15 provided in the 2015-16 school year, after which the allocations shall
16 be adjusted annually for inflation as specified in the omnibus
17 appropriations act:

18		Per annual average	
19		full-time equivalent student	
20			in grades K-12
21	Technology		\$113.80
22	Utilities and insurance		\$309.21
23	Curriculum and textbooks		\$122.17
24	Other supplies and library materials		\$259.39
25	Instructional professional development for certificated and		
26	classified staff		\$18.89
27	Facilities maintenance		\$153.18
28	Security and central office administration		\$106.12

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

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

34 (b) Laboratory science courses for students in grades nine through
35 twelve;

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

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

3 (10) In addition to the allocations otherwise provided under this
4 section, amounts shall be provided to support the following programs
5 and services:

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

15 (b) To provide supplemental instruction and services for students
16 whose primary language is other than English, allocations shall be
17 based on the head count number of students in each school who are
18 eligible for and enrolled in the transitional bilingual instruction
19 program under RCW 28A.180.010 through 28A.180.080. The minimum
20 allocation for each level of prototypical school shall provide
21 resources to provide, on a statewide average, 4.7780 hours per week in
22 extra instruction with fifteen transitional bilingual instruction
23 program students per teacher.

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

32 (11) The allocations under subsections (4)(a) and (b), (5), (6),
33 and (8) of this section shall be enhanced as provided under RCW
34 28A.150.390 on an excess cost basis to provide supplemental
35 instructional resources for students with disabilities.

36 (12)(a) For the purposes of allocations for prototypical high
37 schools and middle schools under subsections (4) and (10) of this
38 section that are based on the percent of students in the school who are

1 eligible for free and reduced-price meals, the actual percent of such
2 students in a school shall be adjusted by a factor identified in the
3 omnibus appropriations act to reflect underreporting of free and
4 reduced-price meal eligibility among middle and high school students.

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

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

14 (b) In the event the legislature rejects the distribution formula
15 recommended by the governor, without adopting a new distribution
16 formula, the distribution formula for the previous school year shall
17 remain in effect.

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

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

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

35 (1) For the purposes of this section and RCW 28A.150.410 and
36 28A.400.200, "basic education certificated instructional staff" means
37 all full-time equivalent classroom teachers, teacher librarians,

1 guidance counselors, certificated student health services staff, and
2 other certificated instructional staff in the following programs as
3 defined for statewide school district accounting purposes: Basic
4 education, secondary vocational education, general instructional
5 support, and general supportive services.

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

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

14 (1) By August 31, 2010, all school district boards of directors
15 shall develop policies and procedures regarding student access to
16 online courses and online learning programs. The policies and
17 procedures shall include but not be limited to: Student eligibility
18 criteria; the types of online courses available to students through the
19 school district; the methods districts will use to support student
20 success, which may include a local advisor; when the school district
21 will and will not pay course fees and other costs; the granting of high
22 school credit; and a process for students and parents or guardians to
23 formally acknowledge any course taken for which no credit is given.
24 The policies and procedures shall take effect beginning with the 2010-
25 11 school year. School districts shall submit their policies to the
26 superintendent of public instruction by September 15, 2010. By
27 December 1, 2010, the superintendent of public instruction shall
28 summarize the school district policies regarding student access to
29 online courses and submit a report to the legislature.

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

34 (3) School districts shall provide students with information
35 regarding online courses that are available through the school
36 district. The information shall include the types of information
37 described in subsection (1) of this section.

1 (~~(3)~~) (4) When developing local or regional online learning
2 programs, school districts shall incorporate into the program design
3 the approval criteria developed by the superintendent of public
4 instruction under RCW 28A.250.020.

5 NEW SECTION. **Sec. 12.** Sections 9 and 10 of this act take effect
6 September 1, 2011.

7 NEW SECTION. **Sec. 13.** Section 9 of this act expires July 1, 2013.

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