
SUBSTITUTE HOUSE BILL 2065

State of Washington 62nd Legislature 2011 1st Special Session

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

READ FIRST TIME 05/06/11.

1 AN ACT Relating to allocation of funding for students enrolled in
2 alternative learning experiences; amending RCW 28A.150.262,
3 28A.250.005, 28A.250.010, 28A.250.020, 28A.250.030, 28A.250.060,
4 28A.150.260, and 28A.150.100; adding a new section to chapter 28A.150
5 RCW; creating a new section; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 or gratuity to any parents, guardians, or students for participation.
2 This prohibition includes, but is not limited to, providing funds to
3 parents, guardians, or students for the purchase of educational
4 materials, supplies, experiences, services, or technological equipment.
5 A district may purchase educational materials, equipment, or other
6 nonconsumable supplies for students' use in alternative learning
7 experience programs if the purchase is consistent with the district's
8 approved curriculum, conforms to applicable laws and rules, and is made
9 in the same manner as such purchases are made for students in the
10 district's regular instructional program. Items so purchased remain
11 the property of the school district upon program completion. These
12 requirements extend to contracted providers of alternative learning
13 experience programs, and each district shall be responsible for
14 monitoring the compliance of its providers with these requirements.

15 (4) To count as a full-time equivalent student or portion thereof
16 for purposes of state funding under RCW 28A.150.260, students
17 participating in alternative learning experience programs must receive
18 one hour per week of face-to-face, in-person instructional contact time
19 from a certificated teacher. For alternative learning experience
20 online programs under RCW 28A.150.262, this requirement may be
21 satisfied by one hour per week of direct personal contact in compliance
22 with RCW 28A.150.262(11).

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

25 (6) The superintendent of public instruction shall adopt rules
26 defining minimum requirements and accountability for alternative
27 learning experience programs.

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

30 Under RCW 28A.150.260, the superintendent of public instruction
31 shall revise the definition of a full-time equivalent student to
32 include students who receive instruction through alternative learning
33 experience online programs. As used in this section and section 2 of
34 this act, an "alternative learning experience online program" is a set
35 of online courses or an online school program as defined in RCW
36 28A.250.010 that is delivered to students in whole or in part
37 independently from a regular classroom schedule. (~~The superintendent~~

1 of public instruction has the authority to adopt rules to implement the
2 revised definition beginning with the 2005-2007 biennium for school
3 districts claiming state funding for the programs.) Beginning in the
4 2012-13 school year, alternative learning experience online programs
5 must be offered by an online provider approved by the superintendent of
6 public instruction under RCW 28A.250.020 to meet the definition in this
7 section. The rules shall include but not be limited to the following:

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

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

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

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

28 (5) Requiring documentation of the district of the student's
29 physical residence;

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

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

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

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

12 (10) Requiring that the district assess the educational progress of
13 enrolled students at least annually, using, for full-time students, the
14 state assessment for the student's grade level and using any other
15 annual assessments required by the school district. Part-time students
16 shall also be assessed at least annually. However, part-time students
17 who are either receiving home-based instruction under chapter 28A.200
18 RCW or who are enrolled in an approved private school under chapter
19 28A.195 RCW are not required to participate in the assessments required
20 under chapter 28A.655 RCW. The rules shall address how students who
21 reside outside the geographic service area of the school district are
22 to be assessed;

23 (11) Requiring that each student enrolled in the program have
24 direct personal contact with a certificated (~~((instructional staff))~~)
25 teacher at least weekly until the student completes the course
26 objectives or the requirements in the learning plan. Direct personal
27 contact is for the purposes of instruction, review of assignments,
28 testing, evaluation of student progress, or other learning activities.
29 Direct personal contact may include the use of telephone, e-mail,
30 instant messaging, interactive video communication, or other means of
31 digital communication. At least one hour per week of the direct
32 personal contact must be synchronous between the teacher and the
33 student;

34 (12) Requiring state-funded public schools or public school
35 programs whose primary purpose is to provide alternative learning
36 experience online learning programs to receive accreditation through
37 the Northwest (~~((association of accredited schools))~~) accreditation
38 commission or another national, regional, or state accreditation

1 program listed by the office of the superintendent of public
2 instruction after consultation with the Washington coalition for online
3 learning;

4 (13) Requiring state-funded public schools or public school
5 programs whose primary purpose is to provide alternative learning
6 experience online learning to provide information to students and
7 parents on whether or not the courses or programs: Cover one or more
8 of the school district's learning goals or of the state's essential
9 academic learning requirements or whether they permit the student to
10 meet one or more of the state's or district's graduation requirements;
11 and

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

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

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

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

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

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

36 (a) Provide objective information to students, parents, and
37 educators regarding available online learning opportunities, including

1 program and course content, how to register for programs and courses,
2 teacher qualifications, student-to-teacher ratios, prior course
3 completion rates, and other evaluative information;

4 (b) Create an approval process for (~~multidistrict~~) online
5 providers;

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

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

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

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

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

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

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

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

24 (b) "Multidistrict online provider" does not include a school
25 district online learning program in which fewer than ten percent of the
26 students enrolled in the program are from other districts under the
27 interdistrict student transfer provisions of RCW 28A.225.225.
28 "Multidistrict online provider" also does not include regional online
29 learning programs that are jointly developed and implemented by two or
30 more school districts or an educational service district through an
31 interdistrict cooperative program agreement that addresses, at minimum,
32 how the districts share student full-time equivalency for state basic
33 education funding purposes and how categorical education programs,
34 including special education, are provided to eligible students.

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

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

1 (ii) ~~((Is taught by a teacher primarily from a remote location.~~
2 ~~Students enrolled in an online course may have access to the teacher~~
3 ~~synchronously, asynchronously, or both)) More than half of the teaching
4 is conducted from a remote location through an online course learning
5 management system or other online or electronic tools.~~

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

7 (i) Offers courses or grade-level coursework that is delivered
8 primarily electronically using the internet or other computer-based
9 methods;

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

14 (iii) ~~((Delivers a part-time or full-time sequential program))~~
15 Offers a sequential set of online courses or grade-level coursework
16 that may be taken in a single school term or throughout the school year
17 in a manner that could provide a full-time basic education program if
18 so desired by the student. Students may enroll in the program as part-
19 time or full-time students; and

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

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

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

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

33 (1) The superintendent of public instruction, in collaboration with
34 the state board of education, shall develop and implement approval
35 criteria and a process for approving ~~((multidistrict))~~ online
36 providers; a process for monitoring and if necessary rescinding the
37 approval of courses or programs offered by an online ~~((course))~~

1 provider; and an appeals process. The criteria and processes for
2 multidistrict online providers shall be adopted by rule by December 1,
3 2009.

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

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

31 (4) The superintendent of public instruction shall make the first
32 round of decisions regarding approval of multidistrict online providers
33 by April 1, 2010. The first round of decisions regarding approval of
34 online providers that are not multidistrict online providers shall be
35 made by April 1, 2012. Thereafter, the superintendent of public
36 instruction shall make annual approval decisions no later than November
37 1st of each year.

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

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

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

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

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

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

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

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

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

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

23 (a) Offered by a multidistrict online provider approved under RCW
24 28A.250.020 by the superintendent of public instruction;

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

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

34 (2) Beginning with the 2012-13 school year, school districts may
35 claim state funding under RCW 28A.150.260, to the extent otherwise
36 allowed by state law, for students enrolled in online courses or

1 programs only if the online courses or programs are offered by an
2 online provider approved under RCW 28A.250.020 by the superintendent of
3 public instruction.

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

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

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

17 (1) The governor shall and the superintendent of public instruction
18 may recommend to the legislature a formula for the distribution of a
19 basic education instructional allocation for each common school
20 district.

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

32 (3)(a) To the extent the technical details of the formula have been
33 adopted by the legislature and except when specifically provided as a
34 school district allocation, the distribution formula for the basic
35 education instructional allocation shall be based on minimum staffing
36 and nonstaff costs the legislature deems necessary to support
37 instruction and operations in prototypical schools serving high,

1 middle, and elementary school students as provided in this section.
2 The use of prototypical schools for the distribution formula does not
3 constitute legislative intent that schools should be operated or
4 structured in a similar fashion as the prototypes. Prototypical
5 schools illustrate the level of resources needed to operate a school of
6 a particular size with particular types and grade levels of students
7 using commonly understood terms and inputs, such as class size, hours
8 of instruction, and various categories of school staff. It is the
9 intent that the funding allocations to school districts be adjusted
10 from the school prototypes based on the actual number of annual average
11 full-time equivalent students in each grade level at each school in the
12 district and not based on the grade-level configuration of the school
13 to the extent that data is available. The allocations shall be further
14 adjusted from the school prototypes with minimum allocations for small
15 schools and to reflect other factors identified in the omnibus
16 appropriations act. The allocations calculated under subsections (4)
17 through (12) of this section may be adjusted as provided in the omnibus
18 appropriations act for students whose full-time equivalent enrollment
19 status is calculated based on enrollment in an alternative learning
20 experience program as defined in section 2 of this act.

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

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

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

28 (iii) A prototypical elementary school has four hundred average
29 annual full-time equivalent students in grades kindergarten through
30 six.

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

38 General education

1		average
2		class size
3	Grades K-3	25.23
4	Grade 4	27.00
5	Grades 5-6	27.00
6	Grades 7-8	28.53
7	Grades 9-12	28.74

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

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

18		Career and technical
19		education average
20		class size
21	Approved career and technical education offered at	
22	the middle school and high school level	26.57
23	Skill center programs meeting the standards established	
24	by the office of the superintendent of public	
25	instruction	22.76

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

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

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

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

36

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

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

	Staff per 1,000 K-12 students
23 Technology	0.628
24 Facilities, maintenance, and grounds	1.813
25 Warehouse, laborers, and mechanics	0.332

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

33 (7) The distribution formula shall include staffing allocations to
34 school districts for career and technical education and skill center

1 administrative and other school-level certificated staff, as specified
2 in the omnibus appropriations act.

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

	Per annual average full-time equivalent student in grades K-12
8	
9	
10	
11 Technology	\$54.43
12 Utilities and insurance	\$147.90
13 Curriculum and textbooks	\$58.44
14 Other supplies and library materials	\$124.07
15 Instructional professional development for certified and	
16 classified staff	\$9.04
17 Facilities maintenance	\$73.27
18 Security and central office	\$50.76

19 (b) During the 2011-2013 biennium, the minimum allocation for
20 maintenance, supplies, and operating costs shall be increased as
21 specified in the omnibus appropriations act. The following
22 allocations, adjusted for inflation from the 2007-08 school year, are
23 provided in the 2015-16 school year, after which the allocations shall
24 be adjusted annually for inflation as specified in the omnibus
25 appropriations act:

	Per annual average full-time equivalent student in grades K-12
26	
27	
28	
29 Technology	\$113.80
30 Utilities and insurance	\$309.21
31 Curriculum and textbooks	\$122.17
32 Other supplies and library materials	\$259.39
33 Instructional professional development for certificated and	
34 classified staff	\$18.89
35 Facilities maintenance	\$153.18
36 Security and central office administration	\$106.12

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

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

6 (b) Laboratory science courses for students in grades nine through
7 twelve;

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

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

12 (10) In addition to the allocations otherwise provided under this
13 section, amounts shall be provided to support the following programs
14 and services:

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

24 (b) To provide supplemental instruction and services for students
25 whose primary language is other than English, allocations shall be
26 based on the head count number of students in each school who are
27 eligible for and enrolled in the transitional bilingual instruction
28 program under RCW 28A.180.010 through 28A.180.080. The minimum
29 allocation for each level of prototypical school shall provide
30 resources to provide, on a statewide average, 4.7780 hours per week in
31 extra instruction with fifteen transitional bilingual instruction
32 program students per teacher.

33 (c) To provide additional allocations to support programs for
34 highly capable students under RCW 28A.185.010 through 28A.185.030,
35 allocations shall be based on two and three hundred fourteen one-
36 thousandths percent of each school district's full-time equivalent
37 basic education enrollment. The minimum allocation for the programs

1 shall provide resources to provide, on a statewide average, 2.1590
2 hours per week in extra instruction with fifteen highly capable program
3 students per teacher.

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

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

15 (b) Allocations or enhancements provided under subsections (4),
16 (7), and (9) of this section for exploratory and preparatory career and
17 technical education courses shall be provided only for courses approved
18 by the office of the superintendent of public instruction under chapter
19 28A.700 RCW.

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

24 (b) In the event the legislature rejects the distribution formula
25 recommended by the governor, without adopting a new distribution
26 formula, the distribution formula for the previous school year shall
27 remain in effect.

28 (c) The enrollment of any district shall be the annual average
29 number of full-time equivalent students and part-time students as
30 provided in RCW 28A.150.350, enrolled on the first school day of each
31 month, including students who are in attendance pursuant to RCW
32 28A.335.160 and 28A.225.250 who do not reside within the servicing
33 school district. The definition of full-time equivalent student shall
34 be determined by rules of the superintendent of public instruction and
35 shall be included as part of the superintendent's biennial budget
36 request. The definition shall be based on the minimum instructional
37 hour offerings required under RCW 28A.150.220. Any revision of the

1 present definition shall not take effect until approved by the house
2 ways and means committee and the senate ways and means committee.

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

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

8 (1) For the purposes of this section and RCW 28A.150.410 and
9 28A.400.200, "basic education certificated instructional staff" means
10 all full-time equivalent classroom teachers, teacher librarians,
11 guidance counselors, certificated student health services staff, and
12 other certificated instructional staff in the following programs as
13 defined for statewide school district accounting purposes: Basic
14 education, secondary vocational education, general instructional
15 support, and general supportive services.

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

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

--- END ---