
HOUSE BILL 1674

State of Washington

66th Legislature

2019 Regular Session

By Representatives Rude, Steele, Santos, Jenkins, Bergquist, and Doglio

Read first time 01/28/19. Referred to Committee on Education.

1 AN ACT Relating to changing the term alternative learning
2 experience to personalized learning experience; and amending RCW
3 28A.150.100, 28A.225.020, 28A.225.151, 28A.232.005, 28A.232.010,
4 28A.232.020, 28A.232.030, 28A.250.070, 28A.340.080, 28A.340.085,
5 28A.520.020, 28A.525.162, and 28A.525.166.

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

7 **Sec. 1.** RCW 28A.150.100 and 2013 2nd sp.s. c 18 s 512 are each
8 amended to read as follows:

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

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

1 ((alternative)) personalized learning experience courses as defined
2 in RCW 28A.232.010.

3 **Sec. 2.** RCW 28A.225.020 and 2017 c 291 s 2 are each amended to
4 read as follows:

5 (1) If a child required to attend school under RCW 28A.225.010
6 fails to attend school without valid justification, the public school
7 in which the child is enrolled shall:

8 (a) Inform the child's parent by a notice in writing or by
9 telephone whenever the child has failed to attend school after one
10 unexcused absence within any month during the current school year.
11 School officials shall inform the parent of the potential
12 consequences of additional unexcused absences. If the parent is not
13 fluent in English, the school must make reasonable efforts to provide
14 this information in a language in which the parent is fluent;

15 (b) Schedule a conference or conferences with the parent and
16 child at a time reasonably convenient for all persons included for
17 the purpose of analyzing the causes of the child's absences after
18 three unexcused absences within any month during the current school
19 year. If a regularly scheduled parent-teacher conference day is to
20 take place within thirty days of the third unexcused absence, then
21 the school district may schedule this conference on that day. If the
22 child's parent does not attend the scheduled conference, the
23 conference may be conducted with the student and school official.
24 However the parent shall be notified of the steps to be taken to
25 eliminate or reduce the child's absence; and

26 (c) At some point after the second and before the fifth unexcused
27 absence, take data-informed steps to eliminate or reduce the child's
28 absences.

29 (i) In middle school and high school, these steps must include
30 application of the Washington assessment of the risks and needs of
31 students (WARNS) or other assessment by a school district's designee
32 under RCW 28A.225.026.

33 (ii) For any child with an existing individualized education plan
34 or 504 plan, these steps must include the convening of the child's
35 individualized education plan or 504 plan team, including a behavior
36 specialist or mental health specialist where appropriate, to consider
37 the reasons for the absences. If necessary, and if consent from the
38 parent is given, a functional behavior assessment to explore the
39 function of the absence behavior shall be conducted and a detailed

1 behavior plan completed. Time should be allowed for the behavior plan
2 to be initiated and data tracked to determine progress.

3 (iii) With respect to any child, without an existing
4 individualized education plan or 504 plan, reasonably believed to
5 have a mental or physical disability or impairment, these steps must
6 include informing the child's parent of the right to obtain an
7 appropriate evaluation at no cost to the parent to determine whether
8 the child has a disability or impairment and needs accommodations,
9 related services, or special education services. This includes
10 children with suspected emotional or behavioral disabilities as
11 defined in WAC 392-172A-01035. If the school obtains consent to
12 conduct an evaluation, time should be allowed for the evaluation to
13 be completed, and if the child is found to be eligible for special
14 education services, accommodations, or related services, a plan
15 developed to address the child's needs.

16 (iv) These steps must include, where appropriate, providing an
17 available approved best practice or research-based intervention, or
18 both, consistent with the WARNS profile or other assessment, if an
19 assessment was applied, adjusting the child's school program or
20 school or course assignment, providing more individualized or
21 remedial instruction, providing appropriate vocational courses or
22 work experience, referring the child to a community truancy board,
23 requiring the child to attend an alternative school or program, or
24 assisting the parent or child to obtain supplementary services that
25 might eliminate or ameliorate the cause or causes for the absence
26 from school.

27 (2) For purposes of this chapter, an "unexcused absence" means
28 that a child:

29 (a) (i) Has failed to attend the majority of hours or periods in
30 an average school day or has failed to comply with a more restrictive
31 school district policy; and

32 (ii) Has failed to meet the school district's policy for excused
33 absences; or

34 (b) Has failed to comply with ~~((alternative))~~ personalized
35 learning experience program attendance requirements as described by
36 the superintendent of public instruction.

37 (3) If a child transfers from one school district to another
38 during the school year, the receiving school or school district shall
39 include the unexcused absences accumulated at the previous school or
40 from the previous school district for purposes of this section, RCW

1 28A.225.030, and 28A.225.015. The sending school district shall
2 provide this information to the receiving school, together with a
3 copy of any previous assessment as required under subsection (1)(c)
4 of this section, history of any best practices or researched-based
5 intervention previously provided to the child by the child's sending
6 school district, and a copy of the most recent truancy information
7 including any online or written acknowledgment by the parent and
8 child, as provided for in RCW 28A.225.005. All school districts must
9 use the standard choice transfer form for releasing a student to a
10 nonresident school district for the purposes of accessing (~~an~~
11 ~~alternative~~) a personalized learning experience program.

12 **Sec. 3.** RCW 28A.225.151 and 2017 c 291 s 7 are each amended to
13 read as follows:

14 (1) As required under subsection (2) of this section, the office
15 of superintendent of public instruction shall collect and school
16 districts shall submit student-level truancy data in order to allow a
17 better understanding of actions taken under RCW 28A.225.030. The
18 office shall prepare an annual report to the legislature by December
19 15th of each year.

20 (2) The reports under subsection (1) of this section shall
21 include, disaggregated by student group:

22 (a) The number of enrolled students and the number of unexcused
23 absences;

24 (b) The number of enrolled students with ten or more unexcused
25 absences in a school year or five or more unexcused absences in a
26 month during a school year;

27 (c) A description of any programs or schools developed to serve
28 students who have had five or more unexcused absences in a month or
29 ten in a year including information about the number of students in
30 the program or school and the number of unexcused absences of
31 students during and after participation in the program. The school
32 district shall also describe any placements in an approved private
33 nonsectarian school or program or certified program under a court
34 order under RCW 28A.225.090;

35 (d) The number of petitions filed by a school district with the
36 juvenile court and, beginning in the 2018-19 school year, whether the
37 petition results in:

38 (i) Referral to a community truancy board;

39 (ii) Other coordinated means of intervention;

1 (iii) A hearing in the juvenile court; or

2 (iv) Other less restrictive disposition (e.g., change of
3 placement, home school, ((alternative)) personalized learning
4 experience, residential treatment); and

5 (e) Each instance of imposition of detention for failure to
6 comply with a court order under RCW 28A.225.090, with a statement of
7 the reasons for each instance of detention.

8 (3) A report required under this section shall not disclose the
9 name or other identification of a child or parent.

10 (4) The K-12 data governance group shall develop the data
11 protocols and guidance for school districts in the collection of data
12 to provide a clearer understanding of actions taken under RCW
13 28A.225.030.

14 **Sec. 4.** RCW 28A.232.005 and 2013 2nd sp.s. c 18 s 501 are each
15 amended to read as follows:

16 (1) Under Article IX of the Washington state Constitution, all
17 children are entitled to an opportunity to receive a basic education.
18 Although the state must assure that students in public schools have
19 opportunities to participate in the instructional program of basic
20 education, there is no obligation for either the state or school
21 districts to provide that instruction using a particular delivery
22 method or through a particular program.

23 (2) The legislature finds ample evidence of the need to examine
24 and reconsider policies under which ((alternative)) personalized
25 learning that occurs outside the classroom using an individual
26 student learning plan may be considered equivalent to full-time
27 attendance in school, including for funding purposes. Previous
28 legislative studies have raised questions about financial practices
29 and accountability in ((alternative)) personalized learning
30 experience courses. Since 2005, there has been significant enrollment
31 growth in ((alternative)) personalized learning experience online
32 courses, with evidence of unexpected financial impact when large
33 numbers of nonresident students enroll in courses. Based on this
34 evidence, there is a rational basis on which to conclude that there
35 are different costs associated with providing courses not primarily
36 based on full-time, daily contact between teachers and students and
37 not primarily occurring on-site in a classroom.

38 (3) For these reasons, the legislature intends to allow for
39 continuing review and revision of the way in which state funding

1 allocations are used to support (~~alternative~~) personalized learning
2 experience courses.

3 **Sec. 5.** RCW 28A.232.010 and 2018 c 56 s 1 are each amended to
4 read as follows:

5 (1) The definitions in this subsection apply throughout this
6 chapter unless the context clearly requires otherwise.

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

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

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

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

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

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

34 (d) "Online course" means (~~an alternative~~) a personalized
35 learning experience course that has the same meaning as provided in
36 RCW 28A.250.010.

37 (e) "Remote course" means (~~an alternative~~) a personalized
38 learning experience course that is not an online course where the
39 written student learning plan for the course does not include a

1 requirement for in-person instructional contact time. No minimum in-
2 person instructional contact time is required.

3 (f) "Site-based course" means (~~(an alternative)~~) a personalized
4 learning experience course where the written student learning plan
5 for the course includes a requirement for in-person instructional
6 contact time.

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

10 (2) School districts may claim state funding under RCW
11 28A.232.020, to the extent otherwise allowed by state law including
12 the provisions of RCW 28A.250.060, for students enrolled in remote,
13 site-based, or online (~~(alternative)~~) personalized learning
14 experience courses. High school courses must meet district or state
15 graduation requirements and be offered for high school credit.

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

1 students enrolled in (~~an alternative~~) a personalized learning
2 experience course must submit an annual report to the office of the
3 superintendent of public instruction detailing the costs and purposes
4 of the expenditures. These requirements extend to contracted
5 providers of (~~alternative~~) personalized learning experience
6 courses, and each district shall be responsible for monitoring the
7 compliance of its providers with these requirements. However, nothing
8 in this subsection shall prohibit school districts from contracting
9 with school district employees to provide services or experiences to
10 students, or from contracting with online providers approved by the
11 office of the superintendent of public instruction pursuant to
12 chapter 28A.250 RCW.

13 (4) Each school district offering or contracting to offer
14 (~~alternative~~) personalized learning experience courses must:

15 (a) Report annually to the superintendent of public instruction
16 regarding the course types and offerings, and number of students
17 participating in each;

18 (b) Document the district of residence for each student enrolled
19 in (~~an alternative~~) a personalized learning experience course; and

20 (c) Beginning in the 2013-14 school year and continuing through
21 the 2016-17 school year, pay costs associated with a biennial measure
22 of student outcomes and financial audit of the district's
23 (~~alternative~~) personalized learning experience courses by the
24 office of the state auditor.

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

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

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

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

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

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

20 **Sec. 6.** RCW 28A.232.020 and 2013 2nd sp.s. c 18 s 503 are each
21 amended to read as follows:

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

31 **Sec. 7.** RCW 28A.232.030 and 2017 c 291 s 9 are each amended to
32 read as follows:

33 The superintendent of public instruction may adopt rules to bring
34 consistency and uniformity to attendance and truancy definitions in
35 the ((alternative)) personalized learning experience setting,
36 establish procedures for addressing truancy in all ((alternative))
37 personalized learning experience courses, leverage existing systems
38 to facilitate truancy actions between school districts and courts

1 when the student has transferred out of his or her resident district
2 to enroll in (~~(an alternative)~~) a personalized learning experience
3 course; and clarify the responsibility of school districts in the
4 event of rescinding a student transfer.

5 **Sec. 8.** RCW 28A.250.070 and 2017 c 291 s 8 are each amended to
6 read as follows:

7 Nothing in this chapter is intended to diminish the rights of
8 students to attend a nonresident school district in accordance with
9 RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in
10 (~~(alternative)~~) personalized learning experience programs. The office
11 of online learning under RCW 28A.250.030 shall develop a standard
12 form, which must be used by all school districts, for releasing a
13 student to a nonresident school district for the purposes of
14 enrolling in (~~(an alternative)~~) a personalized learning experience
15 program.

16 **Sec. 9.** RCW 28A.340.080 and 2013 c 192 s 1 are each amended to
17 read as follows:

18 (1) Two or more nonhigh school districts may form an
19 interdistrict cooperative to offer an innovation academy cooperative,
20 as defined in RCW 28A.340.085 and subject to the approval of the
21 office of the superintendent of public instruction under RCW
22 28A.340.090, for high school students residing in the participating
23 nonhigh school districts or for high school students residing in
24 other school districts who enroll in the cooperative's reporting
25 district under RCW 28A.225.220 through 28A.225.230. However, a high
26 school student residing in a school district that is not a
27 participating member of the cooperative may not enroll exclusively in
28 (~~(alternative)~~) personalized learning experience courses or programs
29 as defined by RCW (~~(28A.150.325)~~) 28A.232.010. Nothing in this
30 section is intended to affect or otherwise modify the superintendent
31 of public instruction's duty to approve and monitor online providers
32 pursuant to RCW 28A.250.020.

33 (2) Enrollment in an innovation academy cooperative is optional
34 for students. For students residing in a participating nonhigh school
35 district who enroll in a high school district rather than the
36 innovation academy cooperative, the provisions of RCW 28A.540.110 and
37 chapter 28A.545 RCW apply to the nonhigh school district.

1 (3) Each innovation academy cooperative shall designate one of
2 the participating nonhigh school districts to report enrolled
3 students for funding purposes. The reporting district shall claim the
4 monthly full-time equivalent students enrolled in the innovation
5 academy cooperative and receive state funding allocations, including
6 basic education allocations that are based on the small high school
7 allocation under the appropriations act to the extent the number of
8 students enrolled in the innovation academy cooperative meets the
9 criteria for a small high school.

10 **Sec. 10.** RCW 28A.340.085 and 2010 c 99 s 3 are each amended to
11 read as follows:

12 (1) For the purposes of RCW 28A.340.080 through 28A.340.090, an
13 innovation academy cooperative is a high school program with one or
14 more of the following characteristics:

15 (a) Interdisciplinary curriculum and instruction organized into
16 subject-focused themes or academies. Programs are encouraged to
17 provide an initial focus on academies in science, technology,
18 engineering, and mathematics;

19 (b) A combination of instructional service delivery models,
20 including (~~alternative~~) personalized learning experiences, online
21 learning, work-based learning, experiential and field-based learning,
22 and direct classroom instruction at multiple and varying locations;

23 (c) Intensive and accelerated learning to enable students to
24 complete high school credits in a short time period; and

25 (d) Creative scheduling and use of existing school or community
26 facilities in innovative ways to minimize facility and transportation
27 costs and maximize access for students who may be geographically
28 dispersed.

29 (2) Participating nonhigh school districts shall work with local
30 community and technical colleges and four-year institutions of higher
31 education to expand the learning options available for students in an
32 innovation academy cooperative.

33 **Sec. 11.** RCW 28A.520.020 and 2014 c 155 s 2 are each amended to
34 read as follows:

35 (1) There shall be a fund known as the federal forest revolving
36 account. The state treasurer, who shall be custodian of the revolving
37 account, shall deposit into the revolving account the funds for each
38 county received by the state in accordance with Title 16, section

1 500, United States Code. The state treasurer shall distribute these
2 moneys to the counties according to the determined proportional area.
3 The county legislative authority shall expend fifty percent of the
4 money for the benefit of the public roads and other public purposes
5 as authorized by federal statute or public schools of such county and
6 not otherwise. Disbursements by the counties of the remaining fifty
7 percent of the money shall be as authorized by the superintendent of
8 public instruction, or the superintendent's designee, and shall occur
9 in the manner provided in subsection (2) of this section.

10 (2) No later than thirty days following receipt of the funds from
11 the federal government, the superintendent of public instruction
12 shall apportion moneys distributed to counties for schools to public
13 school districts in the respective counties in proportion to the
14 number of resident full-time equivalent students enrolled in each
15 public school district to the number of resident full-time equivalent
16 students enrolled in public schools in the county. In apportioning
17 these funds, the superintendent of public instruction shall utilize
18 the October enrollment count.

19 (3) (a) Except as provided in (b) of this subsection, if the
20 amount received by any public school district pursuant to subsection
21 (2) of this section is less than the basic education allocation to
22 which the district would otherwise be entitled, the superintendent of
23 public instruction shall apportion to the district, in the manner
24 provided by RCW 28A.510.250, an amount which shall be the difference
25 between the amount received pursuant to subsection (2) of this
26 section and the basic education allocation to which the district
27 would otherwise be entitled.

28 (b) If a school district has a poverty level of at least fifty-
29 seven percent, the superintendent may not offset that district's
30 basic education allocation by the amount of those federal forest
31 revenues, to the extent that such revenues do not exceed seventy
32 thousand dollars. The superintendent may offset the district's basic
33 education allocations by the portion of the federal forest revenues
34 that exceeds seventy thousand dollars. For purposes of this section,
35 poverty is measured by the percentage of students eligible for free
36 and reduced-price lunch in the previous school year.

37 (4) All federal forest funds shall be expended in accordance with
38 the requirements of Title 16, section 500, United States Code, as now
39 existing or hereafter amended.

1 (5) The definition of resident student for purposes of this
2 section shall be based on rules adopted by the superintendent of
3 public instruction, which shall consider and address the impact of
4 (~~alternative~~) personalized learning experience students on federal
5 forest funds distribution.

6 **Sec. 12.** RCW 28A.525.162 and 2013 2nd sp.s. c 18 s 513 are each
7 amended to read as follows:

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

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

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

23 (b) No such local funds shall be required as a condition to the
24 allotment of funds from the state for the purpose of making major or
25 minor structural changes to existing school facilities in order to
26 bring such facilities into compliance with the barrier free access
27 requirements of section 504 of the federal rehabilitation act of 1973
28 (29 U.S.C. Sec. 706) and rules implementing the act.

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

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

37 (i) For districts which have been designated as serving high
38 school districts under RCW 28A.540.110, students residing in the
39 nonhigh district so designating shall be excluded from the enrollment

1 count if the student is enrolled in any grade level not offered by
2 the nonhigh district;

3 (ii) The enrollment of nonhigh school districts shall be
4 increased by the number of students residing within the district who
5 are enrolled in a serving high school district so designated by the
6 nonhigh school district under RCW 28A.540.110, including only
7 students who are enrolled in grade levels not offered by the nonhigh
8 school district; and

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

11 (b) In the case of construction or modernization of high school
12 facilities in districts serving students from nonhigh school
13 districts, the adjusted valuation per pupil shall be computed using
14 the combined adjusted valuations and enrollments of each district,
15 each weighted by the percentage of the district's resident high
16 school students served by the high school district;

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

19 (d) The number of students residing outside the school district
20 who are enrolled in (~~alternative~~) personalized learning experience
21 courses under RCW 28A.232.010 shall be excluded from the total.

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

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

1 (6) For the purposes of this section, "preschool students with
 2 disabilities" means children of preschool age who have developmental
 3 disabilities who are entitled to services under RCW 28A.155.010
 4 through 28A.155.100 and are not included in the kindergarten
 5 enrollment count of the district.

6 **Sec. 13.** RCW 28A.525.166 and 2015 3rd sp.s. c 3 s 7018 are each
 7 amended to read as follows:

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

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

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

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

30		District adjusted	Total state	
31		3-valuation	÷ adjusted valuation	
32	Computed	per pupil	per pupil	State
33	State =	_____		= - % Funding
34	Ratio	District adjusted	Total state	Assistance
35		3+valuation	÷ adjusted valuation	
36		per pupil	per pupil	

1 PROVIDED, That in the event the state funding assistance percentage
2 to any school district based on the above formula is less than twenty
3 percent and such school district is otherwise eligible for state
4 funding assistance under RCW 28A.525.162 through 28A.525.180, the
5 superintendent may establish for such district a state funding
6 assistance percentage not in excess of twenty percent of the approved
7 cost of the project, if the superintendent finds that such additional
8 assistance is necessary to provide minimum facilities for housing the
9 pupils of the district.

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

17 (4) In computing the state funding assistance percentage in
18 subsection (2) of this section and adjusting the percentage under
19 subsection (3) of this section, students residing outside the school
20 district who are enrolled in (~~alternative~~) personalized learning
21 experience courses under RCW 28A.232.010 shall be excluded from the
22 count of total pupils. In lieu of the exclusion in this subsection, a
23 district may submit an alternative calculation for excluding students
24 enrolled in (~~alternative~~) personalized learning experience courses.
25 The alternative calculation must show the student headcount use of
26 district classroom facilities on a regular basis for a reasonable
27 duration by out-of-district (~~alternative~~) personalized learning
28 experience students subtracted by the headcount of in-district
29 (~~alternative~~) personalized learning experience students not using
30 district classroom facilities on a regular basis for a reasonable
31 duration. The alternative calculation must be submitted in a form
32 approved by the office of the superintendent of public instruction.
33 The office of the superintendent of public instruction must develop
34 rules to define "regular basis" and "reasonable duration."

35 (5) The approved cost of the project determined in the manner
36 prescribed in this section multiplied by the state funding assistance
37 percentage derived as provided for in this section shall be the
38 amount of state funding assistance to the district for the financing
39 of the project: PROVIDED, That need therefor has been established to

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

27 (6) For the 2015-2017 biennium, schools determined to have a lack
28 of sufficient space to provide science classrooms or labs, to meet
29 the requirements of law, have a special housing burden condition
30 similar to those defined under subsection (5)(b) of this section,
31 creating a like emergency. For the 2015-2017 biennium, school
32 districts are entitled to additional percentage points for school
33 construction projects that have a special housing burden condition
34 only and have received private donations in the form of cash, in-
35 kind, or equipment of more than one hundred thousand dollars. The
36 additional percentage points are determined by (a) school district
37 student enrollments in the free and reduced-price meals program, (b)
38 school district class as defined by RCW 28A.300.065, and (c) the
39 funding assistance percentage as calculated in subsection (2) of this
40 section. The additional percentage points under (a) of this

1 subsection are twenty percent of the percent of student enrollments
2 eligible and enrolled in the free and reduced-price meals program.
3 The additional percentage points under (b) of this subsection are ten
4 for second class school districts. The additional percentage points
5 under (c) of this subsection are ten for school districts with
6 funding assistance percentages of more than fifty percent.

--- **END** ---