
SUBSTITUTE HOUSE BILL 2337

State of Washington

62nd Legislature

2012 Regular Session

By House Education Appropriations & Oversight (originally sponsored by Representatives Carlyle, Orwall, Sullivan, Maxwell, Lytton, Zeiger, Reykdal, Pettigrew, Lias, Dammeier, Fitzgibbon, Pedersen, Hunt, and Hudgins)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to open educational resources in K-12 education;
2 amending RCW 28A.150.260; reenacting and amending RCW 28A.150.260;
3 adding a new section to chapter 28A.300 RCW; creating a new section;
4 providing an effective date; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** The legislature finds the state's recent
7 adoption of common core K-12 standards provides an opportunity to
8 develop high-quality, openly licensed K-12 courseware that is aligned
9 with these standards. By developing this library of openly licensed
10 courseware and making it available to school districts free of charge,
11 the state and school districts will be able to provide students with
12 curricula and texts while substantially reducing the expenses that
13 districts would otherwise incur in purchasing these materials. In
14 addition, this library of openly licensed courseware will provide
15 districts and students with a broader selection of materials, and
16 materials that are more up-to-date. Because this opportunity will both
17 improve student learning and reduce costs, the legislature finds that
18 there are valid educational reasons for temporarily reinvesting a

1 portion of the state allocation for curriculum and textbooks in order
2 to develop this library of openly licensed courseware.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
4 RCW to read as follows:

5 (1)(a) The superintendent of public instruction shall take the lead
6 in developing openly licensed courseware aligned with the common core
7 state standards and placed under a Creative Commons attribution license
8 that allows others to use, distribute, and create derivative works
9 based upon the digital material, while still allowing the authors or
10 creators to retain the copyright and to receive credit for their
11 efforts.

12 (b) During the course of development, the superintendent:

13 (i) May contract with third parties for all or part of the
14 development;

15 (ii) May adopt or adapt existing high quality openly licensed K-12
16 courseware aligned with the common core state standards;

17 (iii) Must use best efforts to seek additional outside funding; and

18 (iv) Must work collaboratively with other states that have adopted
19 the common core state standards and collectively share results.

20 (2) The superintendent of public instruction must also:

21 (a) Advertise to school districts the availability of openly
22 licensed courseware, with an emphasis on the fact that the courseware
23 is available at no cost to the districts;

24 (b) Identify an open courseware repository to which openly licensed
25 courseware developed under this section may be submitted, in which
26 openly licensed courseware may be housed, and from which openly
27 licensed courseware may be easily accessed, all at no cost to school
28 districts;

29 (c) Provide professional development programs that offer support,
30 guidance, and instruction regarding the creation, use, and continuous
31 improvement of open courseware; and

32 (d) Report to the governor and the education committees of the
33 legislature on a biennial basis, beginning December 1, 2013, and ending
34 December 1, 2017, regarding development of openly licensed courseware
35 aligned with the common core state standards and placed under a
36 Creative Commons attribution license, use by school districts of openly
37 licensed courseware, and professional development programs provided.

1 (3) School districts may, but are not required to, use any of the
2 openly licensed courseware.

3 (4) As used in this section, "courseware" includes the course
4 syllabus, scope and sequence, instructional materials, modules,
5 textbooks, including the teacher's edition, student guides,
6 supplemental materials, formative and summative assessment supports,
7 research articles, research data, laboratory activities, simulations,
8 videos, open-ended inquiry activities, and any other educationally
9 useful materials.

10 (5) This section expires June 30, 2018.

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

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

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

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

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

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

18 (b) The total aggregate statewide allocations calculated under
19 subsections (4) through (~~(12)~~) (13) of this section for full-time
20 equivalent student enrollment in alternative learning experience
21 programs as defined in RCW 28A.150.325 shall be reduced by fifteen
22 percent for the 2011-12 and 2012-13 school years. The superintendent
23 of public instruction shall determine how to implement this aggregate
24 fifteen percent reduction among the different alternative learning
25 experience programs. No program may receive less than a ten percent
26 reduction and no program may receive greater than a twenty percent
27 reduction. In determining how to implement the reductions among the
28 alternative learning experience programs, the superintendent of public
29 instruction must look to both how a program is currently operating as
30 well as how it has operated in the past, to the extent that data is
31 available, and must give consideration to the following criteria:

- 32 (i) The category of program;
- 33 (ii) The certificated instructional staffing ratio maintained by
34 the program;
- 35 (iii) The amount and type of direct personal student-to-teacher
36 contact used by the program on a weekly basis;
- 37 (iv) Whether the program uses any classroom-based instructional

1 time to meet requirements in the written student learning plan for
2 enrolled students; and

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

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

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

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

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

15 (iii) A prototypical elementary school has four hundred average
16 annual full-time equivalent students in grades kindergarten through
17 six.

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

	General education average class size
25 Grades K-3	25.23
26 Grade 4	27.00
27 Grades 5-6	27.00
28 Grades 7-8	28.53
29 Grades 9-12	28.74

30 (b) During the 2011-2013 biennium and beginning with schools with
31 the highest percentage of students eligible for free and reduced-price
32 meals in the prior school year, the general education average class
33 size for grades K-3 shall be reduced until the average class size
34 funded under this subsection (4) is no more than 17.0 full-time
35 equivalent students per teacher beginning in the 2017-18 school year.
36
37
38

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

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

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

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

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

20 (5) The minimum allocation for each level of prototypical school
 21 shall include allocations for the following types of staff in addition
 22 to classroom teachers:
 23

	Elementary	Middle	High
	School	School	School
26	Principals, assistant principals, and other certificated building-level		
27	administrators 1.253 1.353 1.880		
28	Teacher librarians, a function that includes information literacy, technology,		
29	and media to support school library media programs 0.663 0.519 0.523		
30	Health and social services:		
31	School nurses 0.076 0.060 0.096		
32	Social workers 0.042 0.006 0.015		
33	Psychologists 0.017 0.002 0.007		
34	Guidance counselors, a function that includes parent outreach and graduation		
35	advising 0.493 1.116 1.909		

1	Teaching assistance, including any aspect of educational instructional			
2	services provided by classified employees	0.936	0.700	0.652
3	Office support and other noninstructional aides	2.012	2.325	3.269
4	Custodians	1.657	1.942	2.965
5	Classified staff providing student and staff safety	0.079	0.092	0.141
6	Parent involvement coordinators	0.00	0.00	0.00

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

11			Staff per 1,000
12			K-12 students
13	Technology		0.628
14	Facilities, maintenance, and grounds		1.813
15	Warehouse, laborers, and mechanics		0.332

16 (b) The minimum allocation of staff units for each school district
17 to support certificated and classified staffing of central
18 administration shall be 5.30 percent of the staff units generated under
19 subsections (4)(a) and (b) and (5) of this section and (a) of this
20 subsection.

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

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

30			Per annual average
31			full-time equivalent student
32			in grades K-12
33	Technology		\$54.43
34	Utilities and insurance		\$147.90
35	Curriculum and textbooks		\$58.44
36	Other supplies and library materials		\$124.07

1 Instructional professional development for certified and
 2 classified staff \$9.04
 3 Facilities maintenance \$73.27
 4 Security and central office \$50.76

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

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

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

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

28 (b) Laboratory science courses for students in grades nine through
 29 twelve;

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

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

34 (10) In addition to the allocations otherwise provided under this
 35 section, amounts shall be provided to support the following programs
 36 and services:

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

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

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) Until June 30, 2018, of the amounts otherwise allocable to
33 school districts for curriculum and textbooks under subsection (8) of
34 this section, an amount equal to ninety-four cents per full-time
35 equivalent student per school year shall be allocated to the office of
36 the superintendent of public instruction solely for the development of
37 openly licensed courseware aligned with the common core state standards

1 pursuant to section 2 of this act, which openly licensed courseware
2 shall be made available at no cost to school districts.

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

7 ~~((+12+))~~ (13)(a) For the purposes of allocations for prototypical
8 high schools and middle schools under subsections (4) and (10) of this
9 section that are based on the percent of students in the school who are
10 eligible for free and reduced-price meals, the actual percent of such
11 students in a school shall be adjusted by a factor identified in the
12 omnibus appropriations act to reflect underreporting of free and
13 reduced-price meal eligibility among middle and high school students.

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

19 ~~((+13+))~~ (14)(a) This formula for distribution of basic education
20 funds shall be reviewed biennially by the superintendent and governor.
21 The recommended formula shall be subject to approval, amendment or
22 rejection by the legislature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	General education average class size
28	
29	
30	
31	Grades K-3 25.23
32	Grade 4 27.00
33	Grades 5-6 27.00
34	Grades 7-8 28.53
35	Grades 9-12 28.74

36 (b) During the 2011-2013 biennium and beginning with schools with
37 the highest percentage of students eligible for free and reduced-price
38 meals in the prior school year, the general education average class

1 size for grades K-3 shall be reduced until the average class size
 2 funded under this subsection (4) is no more than 17.0 full-time
 3 equivalent students per teacher beginning in the 2017-18 school year.

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

	Career and technical education average class size
8	
9	
10	
11 Approved career and technical education offered at	
12 the middle school and high school level	26.57
13 Skill center programs meeting the standards established	
14 by the office of the superintendent of public	
15 instruction	22.76

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

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

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

23 (5) The minimum allocation for each level of prototypical school
 24 shall include allocations for the following types of staff in addition
 25 to classroom teachers:
 26

	Elementary	Middle	High
	School	School	School
28			
29			
30 Principals, assistant principals, and other certificated building-level			
31 administrators	1.253	1.353	1.880
32 Teacher librarians, a function that includes information literacy, technology,			
33 and media to support school library media programs	0.663	0.519	0.523
34 Health and social services:			
35 School nurses	0.076	0.060	0.096

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

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

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

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

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

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

34		Per annual average
35		full-time equivalent student
36		in grades K-12

1	Technology	\$54.43
2	Utilities and insurance	\$147.90
3	Curriculum and textbooks	\$58.44
4	Other supplies and library materials	\$124.07
5	Instructional professional development for certified and	
6	classified staff	\$9.04
7	Facilities maintenance	\$73.27
8	Security and central office	\$50.76

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

	Per annual average full-time equivalent student in grades K-12
16	
17	
18	
19	Technology \$113.80
20	Utilities and insurance \$309.21
21	Curriculum and textbooks \$122.17
22	Other supplies and library materials \$259.39
23	Instructional professional development for certificated and
24	classified staff \$18.89
25	Facilities maintenance \$153.18
26	Security and central office administration \$106.12

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

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

32 (b) Laboratory science courses for students in grades nine through
33 twelve;

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

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

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

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

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

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

35 (11) Until June 30, 2018, of the amounts otherwise allocable to
36 school districts for curriculum and textbooks under subsection (8) of
37 this section, an amount equal to ninety-four cents per full-time
38 equivalent student per school year shall be allocated to the office of

1 the superintendent of public instruction solely for the development of
2 openly licensed courseware aligned with the common core state standards
3 pursuant to section 2 of this act, which openly licensed courseware
4 shall be made available at no cost to school districts.

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

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

16 (b) Allocations or enhancements provided under subsections (4),
17 (7), and (9) of this section for exploratory and preparatory career and
18 technical education courses shall be provided only for courses approved
19 by the office of the superintendent of public instruction under chapter
20 28A.700 RCW.

21 ((+13+)) (14)(a) This formula for distribution of basic education
22 funds shall be reviewed biennially by the superintendent and governor.
23 The recommended formula shall be subject to approval, amendment or
24 rejection by the legislature.

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

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

1 hour offerings required under RCW 28A.150.220. Any revision of the
2 present definition shall not take effect until approved by the house
3 ways and means committee and the senate ways and means committee.

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

7 NEW SECTION. **Sec. 5.** Section 3 of this act expires July 1, 2013.

8 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,
9 2013.

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