
SUBSTITUTE HOUSE BILL 1423

State of Washington 63rd Legislature 2013 Regular Session

By House Education (originally sponsored by Representatives Haigh, Fagan, Seaquist, Magendanz, and Hargrove)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to online learning; amending RCW 28A.150.325,
2 28A.150.262, 28A.250.010, 28A.250.020, 28A.250.050, 28A.250.070,
3 28A.225.225, 28A.150.100, 28A.520.020, 28A.525.162, and 28A.525.166;
4 reenacting and amending RCW 28A.225.220; adding new sections to chapter
5 28A.250 RCW; creating a new section; and recodifying RCW 28A.150.262.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that online learning
8 is subject to two forms of state oversight in addition to the standard
9 oversight of public schools: The state approval process established in
10 2009 through the office of the superintendent of public instruction,
11 and also the regulations and stipulations directed at alternative
12 learning experience programs. The legislature finds that such
13 duplicative regulation is unnecessary and confusing for schools and
14 school districts seeking to offer online learning for students. A
15 single, consistent set of laws, rules, and procedures should suffice to
16 assure accountability while encouraging innovation and opportunities.

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

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

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

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

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

13 (2) The broad categories of alternative learning experience
14 programs include, but are not limited to(~~(+)~~

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

16 ~~(b))~~, parent partnership programs that include significant
17 participation and partnership by parents and families in the design and
18 implementation of a student's learning experience(~~(+)~~) and

19 (~~(e)~~) contract-based learning programs. Online courses and
20 online school programs as defined in RCW 28A.250.010 that are delivered
21 by an online provider approved under RCW 28A.250.020 are not considered
22 alternative learning experience programs. A parent partnership program
23 or contract-based learning program may include online courses as part
24 of the program as long as the course is delivered by an online provider
25 approved under RCW 28A.250.020. Inclusion of online courses does not
26 by itself make a parent partnership program or contract-based learning
27 program an online school program as defined in RCW 28A.250.010.

28 (3) School districts that offer alternative learning experience
29 programs may not provide any compensation, reimbursement, gift, reward,
30 or gratuity to any parents, guardians, or students for participation.
31 School district employees are prohibited from receiving any
32 compensation or payment as an incentive to increase student enrollment
33 of out-of-district students in an alternative learning experience
34 program. This prohibition includes, but is not limited to, providing
35 funds to parents, guardians, or students for the purchase of
36 educational materials, supplies, experiences, services, or
37 technological equipment. A district may purchase educational
38 materials, equipment, or other nonconsumable supplies for students' use

1 in alternative learning experience programs if the purchase is
2 consistent with the district's approved curriculum, conforms to
3 applicable laws and rules, and is made in the same manner as such
4 purchases are made for students in the district's regular instructional
5 program. Items so purchased remain the property of the school district
6 upon program completion. School districts may not purchase or contract
7 for instructional or cocurricular experiences and services that are
8 included in an alternative learning experience written student learning
9 plan, including but not limited to lessons, trips, and other
10 activities, unless substantially similar experiences and services are
11 available to students enrolled in the district's regular instructional
12 program. School districts that purchase or contract for such
13 experiences and services for students enrolled in an alternative
14 learning experience program must submit an annual report to the office
15 of the superintendent of public instruction detailing the costs and
16 purposes of the expenditures. These requirements extend to contracted
17 providers of alternative learning experience programs, and each
18 district shall be responsible for monitoring the compliance of its
19 providers with these requirements. (~~However, nothing in this section~~
20 ~~shall prohibit school districts from contracting with online providers~~
21 ~~approved by the office of the superintendent of public instruction~~
22 ~~pursuant to chapter 28A.250 RCW.))~~

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

25 (5) 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 2011 1st sp.s. c 34 s 3 are each
29 amended to 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 courses or online school programs. (~~As used in~~
34 ~~this section and RCW 28A.150.325, an "alternative learning experience~~
35 ~~online program" is a set of online courses or an online school program~~
36 ~~as defined in RCW 28A.250.010 that is delivered to students in whole or~~
37 ~~in part independently from a regular classroom schedule.)) Beginning~~

1 in the 2013-14 school year, (~~alternative learning experience~~) online
2 courses and online school programs must be offered by an online
3 provider approved by the superintendent of public instruction under RCW
4 28A.250.020 to meet the definition in this section. The rules shall
5 include but not be limited to the following:

6 (1) Defining a full-time equivalent student under RCW 28A.150.260
7 or part-time student under RCW 28A.150.350 based upon the district's
8 estimated average weekly hours of learning activity as identified in
9 the student's learning plan, as long as the student is found, through
10 monthly evaluation, to be making satisfactory progress(~~(+)~~). The
11 monthly progress evaluation must be conducted as provided under section
12 4 of this act. The rules shall (~~require districts providing programs~~
13 ~~under this section to nonresident students to~~) establish procedures
14 that address(~~(, at a minimum, the coordination of student counting)~~)
15 how the counting of students must be coordinated by resident and
16 nonresident districts for state funding so that no student is counted
17 for more than one full-time equivalent in the aggregate;

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

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

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

31 (5) Requiring documentation of the district of the student's
32 physical residence;

33 (6) Requiring that supervision, monitoring, assessment, and
34 evaluation of the (~~alternative learning experience~~) online course or
35 online school program be provided by a certificated teacher;

36 (7) Requiring each school district offering online courses or
37 online school programs to identify the ratio of certificated
38 instructional staff to full-time equivalent students enrolled in such

1 courses or programs, and to include a description of their ratio as
2 part of the reports required under subsections (2) and (3) of this
3 section;

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

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

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

27 (11) Requiring that each student enrolled in the program have
28 direct personal contact with a certificated teacher at least weekly
29 until the student completes the course objectives or the requirements
30 in the learning plan. Direct personal contact is for the purposes of
31 instruction, review of assignments, testing, evaluation of student
32 progress, or other learning activities. Direct personal contact may
33 include the use of telephone, e-mail, instant messaging, interactive
34 video communication, or other means of digital communication. The
35 superintendent may not adopt a rule specifying a minimum duration of
36 weekly personal contact;

37 (12) Requiring state-funded public schools or public school
38 programs whose primary purpose is to provide (~~alternative learning~~

1 ~~experience-online-learning))~~ online courses or online school programs
2 to receive accreditation through the Northwest accreditation commission
3 or another national, regional, or state accreditation program listed by
4 the office of the superintendent of public instruction after
5 consultation with the (~~Washington-coalition-for~~) online learning
6 advisory committee;

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

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

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.250
25 RCW to read as follows:

26 (1) For students whose previous monthly evaluation indicated
27 satisfactory progress and who are meeting the requirement for weekly
28 personal contact, a progress evaluation may be based only on the
29 student's performance on the learning goals and performance objectives
30 defined in the written student learning plan.

31 (2) For students whose previous monthly evaluation did not indicate
32 satisfactory progress or who are not meeting the requirement for weekly
33 personal contact, a progress evaluation must include the student's
34 performance on the learning goals and performance objectives defined in
35 the written student learning plan, a documented conference based on
36 direct personal contact between the teacher and the student about what

1 action or achievement by the student is needed to demonstrate
2 satisfactory progress, and at least one of the following items to be
3 included in an intervention plan:

4 (a) A plan for increased frequency and duration of communication
5 between the teacher and the student;

6 (b) A change in the prescribed manner of direct personal contact;

7 (c) Modification of the goals and objectives of the student
8 learning plan;

9 (d) A requirement that the student engage in synchronous learning;
10 or

11 (e) Modification of course work or course content, as long as the
12 content remains aligned to state learning standards.

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

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

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

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

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

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

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

31 "Multidistrict online provider" also does not include regional online
32 learning programs that are jointly developed and implemented by two or
33 more school districts or an educational service district through an
34 interdistrict cooperative program agreement that addresses, at minimum,
35 how the districts share student full-time equivalency for state basic
36 education funding purposes and how categorical education programs,
37 including special education, are provided to eligible students.

1 (2)(a) "Online course" means a course where:

2 (i) More than half of the course content is delivered
3 electronically using the internet or other computer-based methods;

4 (~~and~~)

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

8 (iii) A certificated teacher is responsible for providing direct
9 instruction, reviewing and grading assignments, testing, monitoring of
10 student progress, and facilitating other interaction as necessary for
11 the student's educational program.

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

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

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

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

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

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

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

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

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

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

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

37 (4) The superintendent of public instruction shall make the first
38 round of decisions regarding approval of multidistrict online providers

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

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

20 **Sec. 7.** RCW 28A.250.050 and 2011 1st sp.s. c 34 s 11 are each
21 amended to read as follows:

22 (1) By August 31, 2010, all school district boards of directors
23 shall develop policies and procedures regarding student access to
24 online courses and online learning programs. The policies and
25 procedures shall include but not be limited to: Student eligibility
26 criteria; the types of online courses available to students through the
27 school district; the methods districts will use to support student
28 success, which may include a local advisor; when the school district
29 will and will not pay course fees and other costs; the granting of high
30 school credit; and a process for students and parents or guardians to
31 formally acknowledge any course taken for which no credit is given.
32 The policies and procedures shall take effect beginning with the 2010-
33 11 school year. School districts shall submit their policies to the
34 superintendent of public instruction by September 15, 2010. By
35 December 1, 2010, the superintendent of public instruction shall
36 summarize the school district policies regarding student access to
37 online courses and submit a report to the legislature.

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

5 (3) School districts shall provide students with information
6 regarding online courses that are available through the school
7 district. The information shall include the types of information
8 described in subsection (1) of this section.

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

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.250
14 RCW to read as follows:

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

32 (2) School districts may not purchase or contract for instructional
33 or cocurricular experiences and services that are included in an online
34 student's written student learning plan, including but not limited to
35 lessons, trips, and other activities, unless substantially similar
36 experiences and services are available to students enrolled in the
37 district's regular instructional program. School districts that

1 purchase or contract for such experiences and services for students
2 enrolled in online courses or online school programs must submit an
3 annual report to the office of the superintendent of public instruction
4 detailing the costs and purposes of the expenditures. These
5 requirements extend to contracted providers of online courses and
6 online school programs, and each district shall be responsible for
7 monitoring the compliance of its providers with these requirements.

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

10 An online school program may request a waiver from the office of
11 the superintendent of public instruction to administer one or more
12 sections of the statewide student assessment for grades three through
13 eight for some or all students enrolled in the program on alternate
14 days or on an alternate schedule, as long as the administration is
15 within the testing period established by the office. The office may
16 deny a request for a waiver if the online school program's proposal
17 does not maintain adequate test security or would reduce the
18 reliability of the assessment results by providing an inequitable
19 advantage for some students.

20 **Sec. 10.** RCW 28A.250.070 and 2009 c 542 s 8 are each amended to
21 read as follows:

22 Nothing in this chapter is intended to diminish the rights of
23 students to attend a nonresident school district in accordance with RCW
24 28A.225.220 through 28A.225.230 for the purposes of enrolling in online
25 courses or online school programs. The office of online learning under
26 RCW 28A.250.030 shall develop a standard form, which must be used by
27 all school districts, for releasing a student to a nonresident school
28 district for the purposes of enrolling in an online course or online
29 school program.

30 **Sec. 11.** RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2
31 are each reenacted and amended to read as follows:

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

34 (2) A district is strongly encouraged to honor the request of a

1 parent or guardian for his or her child to attend a school in another
2 district or the request of a parent or guardian for his or her child to
3 transfer as a student receiving home-based instruction.

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

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

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

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

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

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

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

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

31 **Sec. 12.** RCW 28A.225.225 and 2009 c 380 s 7 are each amended to
32 read as follows:

33 (1) Except for students who reside out-of-state and students under
34 RCW 28A.225.217, a district shall accept applications from nonresident
35 students who are the children of full-time certificated and classified
36 school employees, and those children shall be permitted to enroll:

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

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

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

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

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

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

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

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

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

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

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

37 (c) The student has been expelled or suspended from a public school
38 for more than ten consecutive days. Any policy allowing for

1 readmission of expelled or suspended students under this subsection
2 (3)(c) must apply uniformly to both resident and nonresident
3 applicants.

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

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

12 **Sec. 13.** RCW 28A.150.100 and 2011 1st sp.s. c 34 s 10 are each
13 amended to read as follows:

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

22 (2) Each school district shall maintain a ratio of at least forty-
23 six basic education certificated instructional staff to one thousand
24 annual average full-time equivalent students. This requirement does
25 not apply to that portion of a district's annual average full-time
26 equivalent enrollment that is enrolled in alternative learning
27 experience programs as defined in RCW 28A.150.325 or in online courses
28 or online school programs as provided in RCW 28A.150.262 (as recodified
29 by this act).

30 **Sec. 14.** RCW 28A.520.020 and 2011 c 278 s 1 are each amended to
31 read as follows:

32 (1) There shall be a fund known as the federal forest revolving
33 account. The state treasurer, who shall be custodian of the revolving
34 account, shall deposit into the revolving account the funds for each
35 county received by the state in accordance with Title 16, section 500,
36 United States Code. The state treasurer shall distribute these moneys

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

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

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

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

29 (5) The definition of resident student for purposes of this section
30 shall be based on rules adopted by the superintendent of public
31 instruction, which shall consider and address the impact of alternative
32 learning experience students and students enrolled in online courses or
33 online school programs as provided in RCW 28A.150.262 (as recodified by
34 this act) on federal forest funds distribution.

35 **Sec. 15.** RCW 28A.525.162 and 2012 c 244 s 2 are each amended to
36 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

13 (d) The number of students residing outside the school district who
14 are enrolled in alternative learning experience programs under RCW
15 28A.150.325 or are enrolled in online courses or online school programs
16 as provided in RCW 28A.150.262 (as recodified by this act) shall be
17 excluded from the total.

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

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

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

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

3 **Sec. 16.** RCW 28A.525.166 and 2012 c 244 s 3 are each amended to
4 read as follows:

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

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

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

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

27

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

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

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

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

12 (4) In computing the state funding assistance percentage in
13 subsection (2) of this section and adjusting the percentage under
14 subsection (3) of this section, students residing outside the school
15 district who are enrolled in alternative learning experience programs
16 under RCW 28A.150.325 or are enrolled in online courses or online
17 school programs as provided in RCW 28A.150.262 (as recodified by this
18 act) shall be excluded from the count of total pupils. In lieu of the
19 exclusion in this subsection, a district may submit an alternative
20 calculation for excluding students enrolled in alternative learning
21 experience programs. The alternative calculation must show the student
22 headcount use of district classroom facilities on a regular basis for
23 a reasonable duration by out-of-district alternative learning
24 experience program students subtracted by the headcount of in-district
25 alternative learning experience program students not using district
26 classroom facilities on a regular basis for a reasonable duration. The
27 alternative calculation must be submitted in a form approved by the
28 office of the superintendent of public instruction. The office of the
29 superintendent of public instruction must develop rules to define
30 "regular basis" and "reasonable duration."

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

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

23 NEW SECTION. **Sec. 17.** RCW 28A.150.262 is recodified as a section
24 in chapter 28A.250 RCW.

--- END ---