

ESHB 2065 - S COMM AMD
By Committee on Ways & Means

NOT ADOPTED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

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

10 (2) The legislature finds ample evidence of the need to examine and
11 reconsider policies under which alternative learning that occurs
12 outside the classroom using an individual student learning plan may be
13 considered equivalent to full-time attendance in school, including for
14 funding purposes. Previous legislative studies have raised questions
15 about financial practices and accountability in alternative learning
16 experience programs. Since 2005, there has been significant enrollment
17 growth in alternative learning experience online programs, with
18 evidence of unexpected financial impact when large numbers of
19 nonresident students enroll in programs. Based on this evidence, there
20 is a rational basis on which to conclude that there are different costs
21 associated with providing a program not primarily based on full-time,
22 daily contact between teachers and students and not primarily occurring
23 on-site in a classroom.

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

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
29 RCW 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) Alternative learning experience programs include, but are not
14 limited to:

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

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

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

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

1 similar experiences and services are available to students enrolled in
2 the district's regular instructional program. School districts that
3 purchase or contract for such experiences and services for students
4 enrolled in an alternative learning experience program must submit an
5 annual report to the office of the superintendent of public instruction
6 detailing the costs and purposes of the expenditures. These
7 requirements extend to contracted providers of alternative learning
8 experience programs, and each district shall be responsible for
9 monitoring the compliance of its providers with these requirements.
10 However, nothing in this section shall prohibit school districts from
11 contracting with online providers approved by the office of the
12 superintendent of public instruction pursuant to chapter 28A.250 RCW.

13 (4) To count as a full-time equivalent student or portion thereof
14 for purposes of state funding under RCW 28A.150.260, students
15 participating in alternative learning experience programs must receive
16 one hour per week of face-to-face, in-person instructional contact time
17 from a certificated teacher. The one hour per week need not occur in
18 a single sixty minute block of time but may occur in multiple blocks of
19 time throughout the week that add up to sixty minutes. The supervising
20 teacher may rely on synchronous digital communication, including
21 telephone or interactive audio or video communications, to meet the
22 requirement for face-to-face, in-person contact with students due to
23 reasons of medical necessity or when the student's temporary travel
24 makes the in-person contact infeasible. For alternative learning
25 experience online programs under RCW 28A.150.262, this requirement may
26 be satisfied by one hour per week of direct personal contact in
27 compliance with RCW 28A.150.262(11).

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

30 (6) The superintendent of public instruction shall adopt rules
31 defining minimum requirements and accountability for alternative
32 learning experience programs.

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

35 Under RCW 28A.150.260, the superintendent of public instruction
36 shall revise the definition of a full-time equivalent student to
37 include students who receive instruction through alternative learning

1 experience online programs. As used in this section and section 2 of
2 this act, an "alternative learning experience online program" is a set
3 of online courses or an online school program as defined in RCW
4 28A.250.010 that is delivered to students in whole or in part
5 independently from a regular classroom schedule. (~~The superintendent~~
6 ~~of public instruction has the authority to adopt rules to implement the~~
7 ~~revised definition beginning with the 2005-2007 biennium for school~~
8 ~~districts claiming state funding for the programs.~~) Beginning in the
9 2012-13 school year, alternative learning experience online programs
10 must be offered by an online provider approved by the superintendent of
11 public instruction under RCW 28A.250.020 to meet the definition in this
12 section. The rules shall include but not be limited to the following:

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

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

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

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

33 (5) Requiring documentation of the district of the student's
34 physical residence;

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

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

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

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

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

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

1 synchronous contact time need not occur in a single sixty minute block
2 of time but may occur in multiple blocks of time throughout the week
3 that add up to sixty minutes;

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

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

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

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

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

34 (2) However, the legislature also finds that there is a need to
35 assure quality in online learning, both for the programs and the
36 administration of those programs. The legislature is the steward of

1 public funds that support students enrolled in online learning and must
2 ensure an appropriate accountability system at the state level.

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

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

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

13 (b) Create an approval process for (~~multidistrict~~) online
14 providers;

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

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

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

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

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

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

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

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

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

37 "Multidistrict online provider" also does not include regional online

1 learning programs that are jointly developed and implemented by two or
2 more school districts or an educational service district through an
3 interdistrict cooperative program agreement that addresses, at minimum,
4 how the districts share student full-time equivalency for state basic
5 education funding purposes and how categorical education programs,
6 including special education, are provided to eligible students.

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

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

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

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

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

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

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

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

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

35 (3) "Online provider" means any provider of an online course or

1 program, including multidistrict online providers, all school district
2 online learning programs, and all regional online learning programs.

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

5 (1) The superintendent of public instruction, in collaboration with
6 the state board of education, shall develop and implement approval
7 criteria and a process for approving (~~multidistrict~~) online
8 providers; a process for monitoring and if necessary rescinding the
9 approval of courses or programs offered by an online (~~course~~)
10 provider; and an appeals process. The criteria and processes for
11 multidistrict online providers shall be adopted by rule by December 1,
12 2009.

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

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

1 process under this section until August 31, 2012, but must comply with
2 the process for renewal of approvals and must comply with approval
3 requirements.

4 (4) The superintendent of public instruction shall make the first
5 round of decisions regarding approval of multidistrict online providers
6 by April 1, 2010. The first round of decisions regarding approval of
7 online providers that are not multidistrict online providers shall be
8 made by April 1, 2012. Thereafter, the superintendent of public
9 instruction shall make annual approval decisions no later than November
10 1st of each year.

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

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

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

32 (1) Develop and maintain a web site that provides objective
33 information for students, parents, and educators regarding online
34 learning opportunities offered by ((multidistrict)) online providers
35 that have been approved in accordance with RCW 28A.250.020. The web
36 site shall include information regarding the online course provider's
37 overall instructional program, specific information regarding the

1 content of individual online courses and online school programs, a
2 direct link to each online course provider's web site, how to register
3 for online learning programs and courses, teacher qualifications,
4 student-to-teacher ratios, course completion rates, and other
5 evaluative and comparative information. The web site shall also
6 provide information regarding the process and criteria for approving
7 ((~~multidistrict~~)) online providers. To the greatest extent possible,
8 the superintendent shall use the framework of the course offering
9 component of the web site developed by the digital learning commons;

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

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

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

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

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

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

32 (a) Offered by a multidistrict online provider approved under RCW
33 28A.250.020 by the superintendent of public instruction;

34 (b) Offered by a school district online learning program if the
35 program serves students who reside within the geographic boundaries of
36 the school district, including school district programs in which fewer

1 than ten percent of the program's students reside outside the school
2 district's geographic boundaries; or

3 (c) Offered by a regional online learning program where courses are
4 jointly developed and offered by two or more school districts or an
5 educational service district through an interdistrict cooperative
6 program agreement.

7 (2) Beginning with the 2012-13 school year, school districts may
8 claim state funding under RCW 28A.150.260, to the extent otherwise
9 allowed by state law, for students enrolled in online courses or
10 programs only if the online courses or programs are offered by an
11 online provider approved under RCW 28A.250.020 by the superintendent of
12 public instruction.

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

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

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

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

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

1 for particular types or classifications of staff. Nothing in this
2 section entitles an individual teacher to a particular teacher planning
3 period.

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

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

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

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

37 (iii) A prototypical elementary school has four hundred average

1 annual full-time equivalent students in grades kindergarten through
2 six.

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

	General education average class size
10	
11	
12	
13 Grades K-3	25.23
14 Grade 4	27.00
15 Grades 5-6	27.00
16 Grades 7-8	28.53
17 Grades 9-12	28.74

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

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

	Career and technical education average class size
28	
29	
30	
31 Approved career and technical education offered at	
32 the middle school and high school level	26.57
33 Skill center programs meeting the standards established	
34 by the office of the superintendent of public	
35 instruction	22.76

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

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

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

6 (5) The minimum allocation for each level of prototypical school
 7 shall include allocations for the following types of staff in addition
 8 to classroom teachers:
 9

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

26 (6)(a) The minimum staffing allocation for each school district to
 27 provide district-wide support services shall be allocated per one
 28 thousand annual average full-time equivalent students in grades K-12 as
 29 follows:
 30
 31

	Staff per 1,000
	K-12 students
32 Technology	0.628
33 Facilities, maintenance, and grounds	1.813

1 Warehouse, laborers, and mechanics 0.332

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

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

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

	Per annual average full-time equivalent student in grades K-12
16 Technology	\$54.43
17 Utilities and insurance	\$147.90
18 Curriculum and textbooks	\$58.44
19 Other supplies and library materials	\$124.07
20 Instructional professional development for certified and 21 classified staff	\$9.04
22 Facilities maintenance	\$73.27
23 Security and central office	\$50.76

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

	Per annual average full-time equivalent student in grades K-12
31 Technology	\$113.80

1	Utilities and insurance	\$309.21
2	Curriculum and textbooks	\$122.17
3	Other supplies and library materials	\$259.39
4	Instructional professional development for certificated and	
5	classified staff	\$18.89
6	Facilities maintenance	\$153.18
7	Security and central office administration	\$106.12

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

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

13 (b) Laboratory science courses for students in grades nine through
14 twelve;

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

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

19 (10) In addition to the allocations otherwise provided under this
20 section, amounts shall be provided to support the following programs
21 and services:

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

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

1 extra instruction with fifteen transitional bilingual instruction
2 program students per teacher.

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

11 (11) The allocations under subsections (4)(a) and (b), (5), (6),
12 and (8) of this section shall be enhanced as provided under RCW
13 28A.150.390 on an excess cost basis to provide supplemental
14 instructional resources for students with disabilities.

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

22 (b) Allocations or enhancements provided under subsections (4),
23 (7), and (9) of this section for exploratory and preparatory career and
24 technical education courses shall be provided only for courses approved
25 by the office of the superintendent of public instruction under chapter
26 28A.700 RCW.

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

31 (b) In the event the legislature rejects the distribution formula
32 recommended by the governor, without adopting a new distribution
33 formula, the distribution formula for the previous school year shall
34 remain in effect.

35 (c) The enrollment of any district shall be the annual average
36 number of full-time equivalent students and part-time students as
37 provided in RCW 28A.150.350, enrolled on the first school day of each
38 month, including students who are in attendance pursuant to RCW

1 28A.335.160 and 28A.225.250 who do not reside within the servicing
2 school district. The definition of full-time equivalent student shall
3 be determined by rules of the superintendent of public instruction and
4 shall be included as part of the superintendent's biennial budget
5 request. The definition shall be based on the minimum instructional
6 hour offerings required under RCW 28A.150.220. Any revision of the
7 present definition shall not take effect until approved by the house
8 ways and means committee and the senate ways and means committee.

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

12 **Sec. 10.** RCW 28A.150.100 and 2010 c 236 s 13 are each amended to
13 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 section 2 of this act.

28 NEW SECTION. **Sec. 11.** Sections 9 and 10 of this act take effect
29 September 1, 2011."

ESHB 2065 - S COMM AMD

By Committee on Ways & Means

NOT ADOPTED 05/25/2011

1 On page 1, line 2 of the title, after "experiences;" strike the
2 remainder of the title and insert "amending RCW 28A.150.262,
3 28A.250.005, 28A.250.010, 28A.250.020, 28A.250.030, 28A.250.060,
4 28A.150.260, and 28A.150.100; adding a new section to chapter 28A.150
5 RCW; creating a new section; and providing an effective date."

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