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HOUSE BILL 2209

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Haigh, Dammeier, Santos, Dahlquist, Probst, Maxwell, and Kenney

Prefiled 12/15/11. Read first time 01/09/12. Referred to Committee on Education.

1 AN ACT Relating to addressing issues of accountability and funding  
2 for alternative learning experience programs; amending RCW 28A.150.325;  
3 reenacting and amending RCW 28A.150.260; and providing an expiration  
4 date.

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

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

8 (1) ~~((For purposes of))~~ The definitions in this subsection apply  
9 throughout this chapter~~((,))~~ unless the context clearly requires  
10 otherwise.

11 (a) "Alternative learning experience program" means a course or set  
12 of courses that is:

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

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

1        ~~((e))~~ (iii) Provided in accordance with a written student  
2 learning plan that is implemented pursuant to the school district's  
3 policy and rules adopted by the superintendent of public instruction  
4 for alternative learning experiences.

5        (b) "Contract-based learning program" means a program that serves  
6 students in grades nine through twelve where students receive an  
7 average of at least five hours of classroom-based instruction per week.  
8 The running start program established under RCW 28A.600.300 is not a  
9 contract-based learning program.

10        (2)(a) For students in grades nine through twelve, all instruction  
11 and activities in the student learning plan must generate credits that  
12 meet state or local high school graduation requirements.

13        (b) For students in grades kindergarten through eight, all  
14 instruction and activities in the student learning plan must be  
15 directly related to one or more of the following core academic  
16 subjects: English, reading and language arts, writing, science,  
17 technology, engineering, mathematics, foreign languages, civics and  
18 government, economics, the arts, history, and geography.

19        (3) The broad categories of alternative learning experience  
20 programs include, but are not limited to:

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

22        (b) Parent partnership programs that include significant  
23 participation and partnership by parents and families in the design and  
24 implementation of a student's learning experience; and

25        (c) Contract-based learning programs.

26        ~~((3))~~ (4) School districts that offer alternative learning  
27 experience programs may not provide any compensation, reimbursement,  
28 gift, reward, or gratuity to any parents, guardians, or students for  
29 participation. School district employees are prohibited from receiving  
30 any compensation or payment as an incentive to increase student  
31 enrollment of out-of-district students in an alternative learning  
32 experience program. This prohibition includes, but is not limited to,  
33 providing funds to parents, guardians, or students for the purchase of  
34 educational materials, supplies, experiences, services, or  
35 technological equipment. A district may purchase educational  
36 materials, equipment, or other nonconsumable supplies for students' use  
37 in alternative learning experience programs if the purchase is  
38 consistent with the district's approved curriculum, conforms to

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

21 ~~((4))~~ (5) Part-time enrollment in alternative learning  
22 experiences is subject to the provisions of RCW 28A.150.350. Part-time  
23 students who are enrolled in alternative learning experiences are not  
24 exempt from participating in the statewide academic assessment system  
25 under RCW 28A.655.070 in the same manner as full-time students.  
26 Participation shall be based on a student's completion of the course  
27 material that is the subject of the assessment. Nonresident students  
28 in alternative learning experience programs may participate in  
29 statewide student assessments in the district of residence, subject to  
30 that district's planned testing schedule.

31 ~~((5))~~ (6) The superintendent of public instruction shall adopt  
32 rules defining minimum requirements and accountability for alternative  
33 learning experience programs.

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

36 The purpose of this section is to provide for the allocation of  
37 state funding that the legislature deems necessary to support school

1 districts in offering the minimum instructional program of basic  
2 education under RCW 28A.150.220. The allocation shall be determined as  
3 follows:

4 (1) The governor shall and the superintendent of public instruction  
5 may recommend to the legislature a formula for the distribution of a  
6 basic education instructional allocation for each common school  
7 district.

8 (2) The distribution formula under this section shall be for  
9 allocation purposes only. Except as may be required under chapter  
10 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
11 regulations, nothing in this section requires school districts to use  
12 basic education instructional funds to implement a particular  
13 instructional approach or service. Nothing in this section requires  
14 school districts to maintain a particular classroom teacher-to-student  
15 ratio or other staff-to-student ratio or to use allocated funds to pay  
16 for particular types or classifications of staff. Nothing in this  
17 section entitles an individual teacher to a particular teacher planning  
18 period.

19 (3)(a) To the extent the technical details of the formula have been  
20 adopted by the legislature and except when specifically provided as a  
21 school district allocation, the distribution formula for the basic  
22 education instructional allocation shall be based on minimum staffing  
23 and nonstaff costs the legislature deems necessary to support  
24 instruction and operations in prototypical schools serving high,  
25 middle, and elementary school students as provided in this section.  
26 The use of prototypical schools for the distribution formula does not  
27 constitute legislative intent that schools should be operated or  
28 structured in a similar fashion as the prototypes. Prototypical  
29 schools illustrate the level of resources needed to operate a school of  
30 a particular size with particular types and grade levels of students  
31 using commonly understood terms and inputs, such as class size, hours  
32 of instruction, and various categories of school staff. It is the  
33 intent that the funding allocations to school districts be adjusted  
34 from the school prototypes based on the actual number of annual average  
35 full-time equivalent students in each grade level at each school in the  
36 district and not based on the grade-level configuration of the school  
37 to the extent that data is available. The allocations shall be further

1 adjusted from the school prototypes with minimum allocations for small  
2 schools and to reflect other factors identified in the omnibus  
3 appropriations act.

4 (b) The total aggregate statewide allocations calculated under  
5 subsections (4) through (12) of this section for full-time equivalent  
6 student enrollment in alternative learning experience programs as  
7 defined in RCW 28A.150.325 shall be reduced by fifteen percent for the  
8 2011-12 and 2012-13 school years, except that such reductions do not  
9 apply in the 2012-13 school year to student enrollment in contract-  
10 based learning programs. The superintendent of public instruction  
11 shall determine how to implement this aggregate fifteen percent  
12 reduction among the different alternative learning experience programs.  
13 No program may receive less than a ten percent reduction and no program  
14 may receive greater than a twenty percent reduction. In determining  
15 how to implement the reductions among the alternative learning  
16 experience programs, the superintendent of public instruction must look  
17 to both how a program is currently operating as well as how it has  
18 operated in the past, to the extent that data is available, and must  
19 give consideration to the following criteria:

20 (i) The category of program;

21 (ii) The certificated instructional staffing ratio maintained by  
22 the program;

23 (iii) The amount and type of direct personal student-to-teacher  
24 contact used by the program on a weekly basis;

25 (iv) Whether the program uses any classroom-based instructional  
26 time to meet requirements in the written student learning plan for  
27 enrolled students; and

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

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

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

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

37 (ii) A prototypical middle school has four hundred thirty-two

1 average annual full-time equivalent students in grades seven and eight;  
2 and

3 (iii) A prototypical elementary school has four hundred average  
4 annual full-time equivalent students in grades kindergarten through  
5 six.

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

|                          | General education<br>average<br>class size |
|--------------------------|--|
| 16 Grades K-3 . . . . .  | 25.23                                      |
| 17 Grade 4 . . . . .     | 27.00                                      |
| 18 Grades 5-6 . . . . .  | 27.00                                      |
| 19 Grades 7-8 . . . . .  | 28.53                                      |
| 20 Grades 9-12 . . . . . | 28.74                                      |

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

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

|  | Career and technical<br>education average<br>class size |
|--|---|
| 34 Approved career and technical education offered at<br>35 the middle school and high school level . . . . .  | 26.57   |
| 36 Skill center programs meeting the standards established<br>37 by the office of the superintendent of public |   |

1 instruction . . . . . 22.76

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

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

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

9 (5) The minimum allocation for each level of prototypical school  
10 shall include allocations for the following types of staff in addition  
11 to classroom teachers:  
12

|   | Elementary | Middle | High   |
|---|------------|--------|--------|
|   | School     | School | School |
| 13 Principals, assistant principals, and other certificated building-level        |            |        |        |
| 14 administrators . . . . .   | 1.253      | 1.353  | 1.880  |
| 15 Teacher librarians, a function that includes information literacy, technology, |            |        |        |
| 16 and media to support school library media programs . . . . .                   | 0.663      | 0.519  | 0.523  |
| 17 Health and social services:  |            |        |        |
| 18 School nurses . . . . .  | 0.076      | 0.060  | 0.096  |
| 19 Social workers . . . . .   | 0.042      | 0.006  | 0.015  |
| 20 Psychologists . . . . .  | 0.017      | 0.002  | 0.007  |
| 21 Guidance counselors, a function that includes parent outreach and graduation   |            |        |        |
| 22 advising . . . . .   | 0.493      | 1.116  | 1.909  |
| 23 Teaching assistance, including any aspect of educational instructional         |            |        |        |
| 24 services provided by classified employees . . . . .                            | 0.936      | 0.700  | 0.652  |
| 25 Office support and other noninstructional aides . . . . .                      | 2.012      | 2.325  | 3.269  |
| 26 Custodians . . . . .   | 1.657      | 1.942  | 2.965  |
| 27 Classified staff providing student and staff safety . . . . .                  | 0.079      | 0.092  | 0.141  |
| 28 Parent involvement coordinators . . . . .                                      | 0.00       | 0.00   | 0.00   |

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

35 Staff per 1,000

|   |  |               |
|---|--|---------------|
| 1 |  | K-12 students |
| 2 | Technology . . . . .                           | 0.628         |
| 3 | Facilities, maintenance, and grounds . . . . . | 1.813         |
| 4 | Warehouse, laborers, and mechanics . . . . .   | 0.332         |

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

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

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

|    |  |                              |
|----|--|------------------------------|
| 19 |  | Per annual average           |
| 20 |  | full-time equivalent student |
| 21 |  | in grades K-12               |
| 22 | Technology . . . . .                                     | \$54.43                      |
| 23 | Utilities and insurance . . . . .                        | \$147.90                     |
| 24 | Curriculum and textbooks . . . . .                       | \$58.44                      |
| 25 | Other supplies and library materials . . . . .           | \$124.07                     |
| 26 | Instructional professional development for certified and |                              |
| 27 | classified staff . . . . .                               | \$9.04                       |
| 28 | Facilities maintenance . . . . .                         | \$73.27                      |
| 29 | Security and central office . . . . .                    | \$50.76                      |

30 (b) During the 2011-2013 biennium, the minimum allocation for  
31 maintenance, supplies, and operating costs shall be increased as  
32 specified in the omnibus appropriations act. The following  
33 allocations, adjusted for inflation from the 2007-08 school year, are  
34 provided in the 2015-16 school year, after which the allocations shall  
35 be adjusted annually for inflation as specified in the omnibus  
36 appropriations act:

37 Per annual average



|    |   |          |
|----|---|----------|
| 1  | full-time equivalent student                                |          |
| 2  | in grades K-12  |          |
| 3  | Technology . . . . .  | \$113.80 |
| 4  | Utilities and insurance . . . . .                           | \$309.21 |
| 5  | Curriculum and textbooks . . . . .                          | \$122.17 |
| 6  | Other supplies and library materials . . . . .              | \$259.39 |
| 7  | Instructional professional development for certificated and |          |
| 8  | classified staff . . . . .                                  | \$18.89  |
| 9  | Facilities maintenance . . . . .                            | \$153.18 |
| 10 | Security and central office administration . . . . .        | \$106.12 |

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

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

16 (b) Laboratory science courses for students in grades nine through  
17 twelve;

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

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

22 (10) In addition to the allocations otherwise provided under this  
23 section, amounts shall be provided to support the following programs  
24 and services:

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

34 (b) To provide supplemental instruction and services for students  
35 whose primary language is other than English, allocations shall be  
36 based on the head count number of students in each school who are  
37 eligible for and enrolled in the transitional bilingual instruction  
38 program under RCW 28A.180.010 through 28A.180.080. The minimum

1 allocation for each level of prototypical school shall provide  
2 resources to provide, on a statewide average, 4.7780 hours per week in  
3 extra instruction with fifteen transitional bilingual instruction  
4 program students per teacher. Notwithstanding other provisions of this  
5 subsection (10), the actual per-student allocation may be scaled to  
6 provide a larger allocation for students needing more intensive  
7 intervention and a commensurate reduced allocation for students needing  
8 less intensive intervention, as detailed in the omnibus appropriations  
9 act.

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

18 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
19 and (8) of this section shall be enhanced as provided under RCW  
20 28A.150.390 on an excess cost basis to provide supplemental  
21 instructional resources for students with disabilities.

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

29 (b) Allocations or enhancements provided under subsections (4),  
30 (7), and (9) of this section for exploratory and preparatory career and  
31 technical education courses shall be provided only for courses approved  
32 by the office of the superintendent of public instruction under chapter  
33 28A.700 RCW.

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

1 (b) In the event the legislature rejects the distribution formula  
2 recommended by the governor, without adopting a new distribution  
3 formula, the distribution formula for the previous school year shall  
4 remain in effect.

5 (c) The enrollment of any district shall be the annual average  
6 number of full-time equivalent students and part-time students as  
7 provided in RCW 28A.150.350, enrolled on the first school day of each  
8 month, including students who are in attendance pursuant to RCW  
9 28A.335.160 and 28A.225.250 who do not reside within the servicing  
10 school district. The definition of full-time equivalent student shall  
11 be determined by rules of the superintendent of public instruction and  
12 shall be included as part of the superintendent's biennial budget  
13 request. The definition shall be based on the minimum instructional  
14 hour offerings required under RCW 28A.150.220. Any revision of the  
15 present definition shall not take effect until approved by the house  
16 ways and means committee and the senate ways and means committee.

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

20 NEW SECTION. **Sec. 3.** Section 2 of this act expires July 1, 2013.

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