

2SSB 5794 - H COMM AMD  
By Committee on Education

NOT CONSIDERED

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

3 "Sec. 1. 2011 1st sp.s. c 34 s 1 (uncodified) is amended to read  
4 as follows:

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

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

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

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

3       (1) ~~((For purposes of this chapter,))~~ The definitions in this  
4 subsection apply throughout this chapter unless the context clearly  
5 requires otherwise.

6       (a) "Alternative learning experience ((program)) course" means a  
7 course ~~((or set of courses))~~ that is a delivery method for the program  
8 of basic education and is:

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

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

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

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

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

31       (d) "Online course" has the same meaning as provided in RCW  
32 28A.250.010.

33       (e) "Remote course" means an alternative learning experience course  
34 that is not an online course where the student has in-person  
35 instructional contact time for less than twenty percent of the total  
36 weekly time for the course.

37       (f) "Site-based course" means an alternative learning experience

1 course where the student has in-person instructional contact time for  
2 at least twenty percent of the total weekly time for the course.

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

6 ~~((The broad categories of alternative learning experience~~  
7 ~~programs include, but are not limited to:~~

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

9 ~~(b) Parent partnership programs that include significant~~  
10 ~~participation and partnership by parents and families in the design and~~  
11 ~~implementation of a student's learning experience; and~~

12 ~~(c) Contract based learning programs))~~ School districts may claim  
13 state funding under section 4 of this act, to the extent otherwise  
14 allowed by state law including the provisions of RCW 28A.250.060, for  
15 students enrolled in remote, site-based, or online alternative learning  
16 experience courses. High school courses must meet district or state  
17 graduation requirements and be offered for high school credit.

18 (3) School districts that offer alternative learning experience  
19 ~~((programs))~~ courses may not provide any compensation, reimbursement,  
20 gift, reward, or gratuity to any parents, guardians, or students for  
21 participation in the courses. School district employees are prohibited  
22 from receiving any compensation or payment as an incentive to increase  
23 student enrollment of out-of-district students in ~~((an))~~ alternative  
24 learning experience ~~((program))~~ courses. This prohibition includes,  
25 but is not limited to, providing funds to parents, guardians, or  
26 students for the purchase of educational materials, supplies,  
27 experiences, services, or technological equipment. A district may  
28 purchase educational materials, equipment, or other nonconsumable  
29 supplies for students' use in alternative learning experience  
30 ~~((programs))~~ courses 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  
36 cocurricular experiences and services that are included in an  
37 alternative learning experience written student learning plan,  
38 including but not limited to lessons, trips, and other activities,

1 unless substantially similar experiences and services are available to  
2 students enrolled in the district's regular instructional program.  
3 School districts that purchase or contract for such experiences and  
4 services for students enrolled in an alternative learning experience  
5 (~~program~~) course must submit an annual report to the office of the  
6 superintendent of public instruction detailing the costs and purposes  
7 of the expenditures. These requirements extend to contracted providers  
8 of alternative learning experience (~~programs~~) courses, and each  
9 district shall be responsible for monitoring the compliance of its  
10 providers with these requirements. However, nothing in this  
11 (~~section~~) subsection shall prohibit school districts from contracting  
12 with school district employees to provide services or experiences to  
13 students, or from contracting with online providers approved by the  
14 office of the superintendent of public instruction pursuant to chapter  
15 28A.250 RCW.

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

18 (5) ~~The superintendent of public instruction shall adopt rules~~  
19 ~~defining minimum requirements and accountability for alternative~~  
20 ~~learning experience programs)) Each school district offering or  
21 contracting to offer alternative learning experience courses must:~~

22 (a) Report annually to the superintendent of public instruction  
23 regarding the course types and offerings, and number of students  
24 participating in each; and

25 (b) Document the district of residence for each student enrolled in  
26 an alternative learning experience course.

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

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

1 under chapter 28A.655 RCW. The rules must address how students who  
2 reside outside the geographic service area of the school district are  
3 to be assessed.

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

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

10 **Sec. 3.** RCW 28A.150.262 and 2011 1st sp.s. c 34 s 3 are each  
11 amended to read as follows:

12 Under RCW 28A.150.260, the superintendent of public instruction  
13 shall revise the definition of a full-time equivalent student to  
14 include students who receive instruction through alternative learning  
15 experience online (~~(programs)~~) courses. As used in this section (~~and~~  
16 ~~RCW 28A.150.325~~), an "alternative learning experience online  
17 (~~(program)~~) course" is (~~(a set of online courses or)~~) an online  
18 (~~(school program)~~) course as defined in RCW 28A.250.010 that is  
19 delivered to students in whole or in part independently from a regular  
20 classroom schedule. Beginning in the 2013-14 school year, alternative  
21 learning experience online (~~(programs)~~) courses must be offered by an  
22 online provider approved by the superintendent of public instruction  
23 under RCW 28A.250.020 to meet the definition in this section. The  
24 rules shall include but not be limited to the following:

25 (1) Defining a full-time equivalent student under RCW 28A.150.260  
26 or part-time student under RCW 28A.150.350 based upon the district's  
27 estimated average weekly hours of learning activity as identified in  
28 the student's learning plan, as long as the student is found, through  
29 monthly evaluation, to be making satisfactory progress(~~(+)~~). The rules  
30 shall (~~(require districts providing programs under this section to~~  
31 ~~nonresident students to~~) establish procedures that address(~~(, at a~~  
32 ~~minimum, the coordination of student counting)~~) how the counting of  
33 students must be coordinated by resident and nonresident districts for  
34 state funding so that no student is counted for more than one full-time  
35 equivalent in the aggregate;

36 (2) Requiring the board of directors of a school district offering,  
37 or contracting under RCW 28A.150.305 to offer, an alternative learning

1 experience online ((~~program~~)) course to adopt and annually review  
2 written policies for each program and program provider and to receive  
3 an annual report on its ((~~digital~~)) alternative learning experience  
4 online ((~~programs~~)) courses from its staff;

5 (3) Requiring each school district offering or contracting to offer  
6 an alternative learning experience online ((~~program~~)) course to report  
7 annually to the superintendent of public instruction on the types of  
8 ((~~programs—and~~)) course offerings, and number of students  
9 participating;

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

11 (5) Requiring documentation of the district of the student's  
12 physical residence;

13 (6) Requiring that instruction, supervision, monitoring,  
14 assessment, and evaluation of the alternative learning experience  
15 online ((~~program~~)) course be provided by a certificated teacher;

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

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

26 (9) Requiring, for each student receiving instruction in an  
27 alternative learning experience online ((~~program~~)) course, a learning  
28 plan that includes a description of course objectives and information  
29 on the requirements a student must meet to successfully complete the  
30 ((~~program—or—courses~~)) course. The rules shall allow course syllabi  
31 and other additional information to be used to meet the requirement for  
32 a learning plan;

33 (10) Requiring that the district assess the educational progress of  
34 enrolled students at least annually, using, for full-time students, the  
35 state assessment for the student's grade level and using any other  
36 annual assessments required by the school district. Part-time students  
37 shall also be assessed at least annually. However, part-time students  
38 who are either receiving home-based instruction under chapter 28A.200

1 RCW or who are enrolled in an approved private school under chapter  
2 28A.195 RCW are not required to participate in the assessments required  
3 under chapter 28A.655 RCW. The rules shall address how students who  
4 reside outside the geographic service area of the school district are  
5 to be assessed;

6 (11) Requiring that each student enrolled in the (~~(program)~~) course  
7 have direct personal contact with a certificated teacher at least  
8 weekly until the student completes the course objectives or the  
9 requirements in the learning plan. Direct personal contact is for the  
10 purposes of instruction, review of assignments, testing, evaluation of  
11 student progress, or other learning activities. Direct personal  
12 contact may include the use of telephone, e-mail, instant messaging,  
13 interactive video communication, or other means of digital  
14 communication. The superintendent may not adopt a rule specifying a  
15 minimum duration of weekly personal contact;

16 (12) Requiring state-funded public schools or public school  
17 programs whose primary purpose is to provide alternative learning  
18 experience online (~~(learning—programs)~~) courses to receive  
19 accreditation through the Northwest accreditation commission or another  
20 national, regional, or state accreditation program listed by the office  
21 of the superintendent of public instruction after consultation with the  
22 (~~(Washington coalition for)~~) online learning advisory committee;

23 (13) Requiring state-funded public schools or public school  
24 programs whose primary purpose is to provide alternative learning  
25 experience online (~~(learning)~~) courses to provide information to  
26 students and parents on whether or not the courses (~~(or—programs)~~):  
27 Cover one or more of the school district's learning goals or of the  
28 state's essential academic learning requirements or whether they permit  
29 the student to meet one or more of the state's or district's graduation  
30 requirements; and

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

1        NEW SECTION.    **Sec. 4.**    The superintendent of public instruction  
2 shall separately calculate and allocate moneys appropriated under RCW  
3 28A.150.260 to school districts for each full-time equivalent student  
4 enrolled in an alternative learning experience course. The calculation  
5 shall be based on the estimated statewide annual average allocation per  
6 full-time equivalent student in grades nine through twelve in general  
7 education, excluding small high school enhancements, and including  
8 applicable rules and provisions of the omnibus appropriations act.

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

11        The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

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

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

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

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

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

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

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

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

37        ((and))

1 (ii) More than half of the teaching is conducted from a remote  
2 location through an online course learning management system or other  
3 online or electronic tools; and

4 (iii) The student's primary instructional interaction is with a  
5 certificated teacher. Instructional interaction between the teacher  
6 and the student includes, but is not limited to, direct instruction,  
7 review of assignments, assessment, testing, progress monitoring, and  
8 educational facilitation.

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

10 (i) Offers courses or grade-level coursework that is delivered  
11 primarily electronically using the internet or other computer-based  
12 methods;

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

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

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

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

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

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

36 (1) The superintendent of public instruction, in collaboration with  
37 the state board of education, shall develop and implement approval

1 criteria and a process for approving online providers; a process for  
2 monitoring and if necessary rescinding the approval of courses or  
3 programs offered by an online provider; and an appeals process. The  
4 criteria and processes for multidistrict online providers shall be  
5 adopted by rule by December 1, 2009.

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

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

32 (4) The superintendent of public instruction shall make the first  
33 round of decisions regarding approval of multidistrict online providers  
34 by April 1, 2010. The first round of decisions regarding approval of  
35 online providers that are not multidistrict online providers shall be  
36 made by April 1, 2013. Thereafter, the superintendent of public  
37 instruction shall make annual approval decisions no later than November  
38 1st of each year.

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

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

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

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

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

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

9 **Sec. 8.** RCW 28A.250.060 and 2011 1st sp.s. c 34 s 8 are each  
10 amended to read as follows:

11 (1) Beginning with the 2011-12 school year, school districts may  
12 claim state funding under (~~RCW 28A.150.260~~) section 4 of this act, to  
13 the extent otherwise allowed by state law, for students enrolled in  
14 online courses or programs only if the online courses or programs are:

15 (a) Offered by a multidistrict online provider approved under RCW  
16 28A.250.020 by the superintendent of public instruction;

17 (b) Offered by a school district online learning program if the  
18 program serves students who reside within the geographic boundaries of  
19 the school district, including school district programs in which fewer  
20 than ten percent of the program's students reside outside the school  
21 district's geographic boundaries; or

22 (c) Offered by a regional online learning program where courses are  
23 jointly developed and offered by two or more school districts or an  
24 educational service district through an interdistrict cooperative  
25 program agreement.

26 (2) Beginning with the 2013-14 school year, school districts may  
27 claim state funding under RCW 28A.150.260, to the extent otherwise  
28 allowed by state law, for students enrolled in online courses or  
29 programs only if the online courses or programs are offered by an  
30 online provider approved under RCW 28A.250.020 by the superintendent of  
31 public instruction.

32 (3) Criteria shall be established by the superintendent of public  
33 instruction to allow online courses that have not been approved by the  
34 superintendent of public instruction to be eligible for state funding  
35 if the course is in a subject matter in which no courses have been  
36 approved and, if it is a high school course, the course meets  
37 Washington high school graduation requirements.

1       **Sec. 9.** RCW 28A.250.070 and 2009 c 542 s 8 are each amended to  
2 read as follows:

3       Nothing in this chapter is intended to diminish the rights of  
4 students to attend a nonresident school district in accordance with RCW  
5 28A.225.220 through 28A.225.230 for the purposes of enrolling in online  
6 courses or online school programs. The office of online learning under  
7 RCW 28A.250.030 shall develop a standard form, which must be used by  
8 all school districts, for releasing a student to a nonresident school  
9 district for the purposes of enrolling in an online course or online  
10 school program.

11       NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.250  
12 RCW to read as follows:

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

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

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

27       (2) A district is strongly encouraged to honor the request of a  
28 parent or guardian for his or her child to attend a school in another  
29 district or the request of a parent or guardian for his or her child to  
30 transfer as a student receiving home-based instruction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) The student's disciplinary records indicate a history of

1 convictions for offenses or crimes, violent or disruptive behavior, or  
2 gang membership;

3 (b) The student has been expelled or suspended from a public school  
4 for more than ten consecutive days. Any policy allowing for  
5 readmission of expelled or suspended students under this subsection  
6 (2)(b) must apply uniformly to both resident and nonresident  
7 applicants; (~~or~~)

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

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

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

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

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

30 (c) The student has been expelled or suspended from a public school  
31 for more than ten consecutive days. Any policy allowing for  
32 readmission of expelled or suspended students under this subsection  
33 (3)(c) must apply uniformly to both resident and nonresident  
34 applicants.

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

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

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

7 (1) For the purposes of this section and RCW 28A.150.410 and  
8 28A.400.200, "basic education certificated instructional staff" means  
9 all full-time equivalent classroom teachers, teacher librarians,  
10 guidance counselors, certificated student health services staff, and  
11 other certificated instructional staff in the following programs as  
12 defined for statewide school district accounting purposes: Basic  
13 education, secondary vocational education, general instructional  
14 support, and general supportive services.

15 (2) Each school district shall maintain a ratio of at least forty-  
16 six basic education certificated instructional staff to one thousand  
17 annual average full-time equivalent students. This requirement does  
18 not apply to that portion of a district's annual average full-time  
19 equivalent enrollment that is enrolled in alternative learning  
20 experience (~~(programs)~~) courses as defined in RCW 28A.150.325 (as  
21 recodified by this act).

22 **Sec. 14.** RCW 28A.525.162 and 2012 c 244 s 2 are each amended to  
23 read as follows:

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

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

32 (a) The superintendent of public instruction may waive the local  
33 requirement for state funding assistance for districts which have  
34 provided funds for school building construction purposes through the  
35 authorization of bonds or through the authorization of excess tax

1 levies or both in an amount equivalent to two and one-half percent of  
2 the value of its taxable property, as defined in RCW 39.36.015.

3 (b) No such local funds shall be required as a condition to the  
4 allotment of funds from the state for the purpose of making major or  
5 minor structural changes to existing school facilities in order to  
6 bring such facilities into compliance with the barrier free access  
7 requirements of section 504 of the federal rehabilitation act of 1973  
8 (29 U.S.C. Sec. 706) and rules implementing the act.

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

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

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

22 (ii) The enrollment of nonhigh school districts shall be increased  
23 by the number of students residing within the district who are enrolled  
24 in a serving high school district so designated by the nonhigh school  
25 district under RCW 28A.540.110, including only students who are  
26 enrolled in grade levels not offered by the nonhigh school district;  
27 and

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

30 (b) In the case of construction or modernization of high school  
31 facilities in districts serving students from nonhigh school districts,  
32 the adjusted valuation per pupil shall be computed using the combined  
33 adjusted valuations and enrollments of each district, each weighted by  
34 the percentage of the district's resident high school students served  
35 by the high school district;

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

1 (d) The number of students residing outside the school district who  
2 are enrolled in alternative learning experience (~~(programs)~~) courses  
3 under RCW 28A.150.325 (as recodified by this act) shall be excluded  
4 from the total.

5 (4) In lieu of the exclusion in subsection (3)(d) of this section,  
6 a district may submit an alternative calculation for excluding students  
7 enrolled in alternative learning experience (~~(programs)~~) courses. The  
8 alternative calculation must show the student headcount use of district  
9 classroom facilities on a regular basis for a regular duration by out-  
10 of-district alternative learning experience (~~(program)~~) students  
11 subtracted by the headcount of in-district alternative learning  
12 experience (~~(program)~~) students not using district classroom facilities  
13 on a regular basis for a reasonable duration. The alternative  
14 calculation must be submitted in a form approved by the office of the  
15 superintendent of public instruction. The office of the superintendent  
16 of public instruction must develop rules to define "regular basis" and  
17 "reasonable duration."

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

23 (6) For the purposes of this section, "preschool students with  
24 disabilities" means children of preschool age who have developmental  
25 disabilities who are entitled to services under RCW 28A.155.010 through  
26 28A.155.100 and are not included in the kindergarten enrollment count  
27 of the district.

28 **Sec. 15.** RCW 28A.525.166 and 2012 c 244 s 3 are each amended to  
29 read as follows:

30 Allocations to school districts of state funds provided by RCW  
31 28A.525.162 through 28A.525.180 shall be made by the superintendent of  
32 public instruction and the amount of state funding assistance to a  
33 school district in financing a school plant project shall be determined  
34 in the following manner:

35 (1) The boards of directors of the districts shall determine the  
36 total cost of the proposed project, which cost may include the cost of  
37 acquiring and preparing the site, the cost of constructing the building

1 or of acquiring a building and preparing the same for school use, the  
 2 cost of necessary equipment, taxes chargeable to the project, necessary  
 3 architects' fees, and a reasonable amount for contingencies and for  
 4 other necessary incidental expenses: PROVIDED, That the total cost of  
 5 the project shall be subject to review and approval by the  
 6 superintendent.

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

9 The ratio of the school district's adjusted valuation per pupil  
 10 divided by the ratio of the total state adjusted valuation per pupil  
 11 shall be subtracted from three, and then the result of the foregoing  
 12 shall be divided by three plus (the ratio of the school district's  
 13 adjusted valuation per pupil divided by the ratio of the total state  
 14 adjusted valuation per pupil).

		District adjusted	Total state	
		3-valuation	÷ adjusted valuation	
	Computed	per pupil	per pupil	State
	State =	-----		= - % Funding
	Ratio	District adjusted	Total state	Assistance
		3+valuation	÷ adjusted valuation	
		per pupil	per pupil	

22 PROVIDED, That in the event the state funding assistance percentage to  
 23 any school district based on the above formula is less than twenty  
 24 percent and such school district is otherwise eligible for state  
 25 funding assistance under RCW 28A.525.162 through 28A.525.180, the  
 26 superintendent may establish for such district a state funding  
 27 assistance percentage not in excess of twenty percent of the approved  
 28 cost of the project, if the superintendent finds that such additional  
 29 assistance is necessary to provide minimum facilities for housing the  
 30 pupils of the district.

31 (3) In addition to the computed state funding assistance percentage  
 32 developed in subsection (2) of this section, a school district shall be  
 33 entitled to additional percentage points determined by the average  
 34 percentage of growth for the past three years. One percent shall be  
 35 added to the computed state funding assistance percentage for each  
 36 percent of growth, with a maximum of twenty percent.

37 (4) In computing the state funding assistance percentage in  
 38 subsection (2) of this section and adjusting the percentage under

1 subsection (3) of this section, students residing outside the school  
2 district who are enrolled in alternative learning experience  
3 (~~(programs)~~) courses under RCW 28A.150.325 (as recodified by this act)  
4 shall be excluded from the count of total pupils. In lieu of the  
5 exclusion in this subsection, a district may submit an alternative  
6 calculation for excluding students enrolled in alternative learning  
7 experience (~~(programs)~~) courses. The alternative calculation must show  
8 the student headcount use of district classroom facilities on a regular  
9 basis for a reasonable duration by out-of-district alternative learning  
10 experience (~~(program)~~) students subtracted by the headcount of in-  
11 district alternative learning experience (~~(program)~~) students not using  
12 district classroom facilities on a regular basis for a reasonable  
13 duration. The alternative calculation must be submitted in a form  
14 approved by the office of the superintendent of public instruction.  
15 The office of the superintendent of public instruction must develop  
16 rules to define "regular basis" and "reasonable duration."

17 (5) The approved cost of the project determined in the manner  
18 prescribed in this section multiplied by the state funding assistance  
19 percentage derived as provided for in this section shall be the amount  
20 of state funding assistance to the district for the financing of the  
21 project: PROVIDED, That need therefor has been established to the  
22 satisfaction of the superintendent: PROVIDED, FURTHER, That additional  
23 state funding assistance may be allowed if it is found by the  
24 superintendent, considering policy recommendations from the school  
25 facilities citizen advisory panel that such assistance is necessary in  
26 order to meet (a) a school housing emergency resulting from the  
27 destruction of a school building by fire, the condemnation of a school  
28 building by properly constituted authorities, a sudden excessive and  
29 clearly foreseeable future increase in school population, or other  
30 conditions similarly emergent in nature; or (b) a special school  
31 housing burden resulting from projects of statewide significance or  
32 imposed by virtue of the admission of nonresident students into  
33 educational programs established, maintained and operated in conformity  
34 with the requirements of law; or (c) a deficiency in the capital funds  
35 of the district resulting from financing, subsequent to April 1, 1969,  
36 and without benefit of the state funding assistance provided by prior  
37 state assistance programs, the construction of a needed school building  
38 project or projects approved in conformity with the requirements of

1 such programs, after having first applied for and been denied state  
2 funding assistance because of the inadequacy of state funds available  
3 for the purpose, or (d) a condition created by the fact that an  
4 excessive number of students live in state owned housing, or (e) a need  
5 for the construction of a school building to provide for improved  
6 school district organization or racial balance, or (f) conditions  
7 similar to those defined under (a), (b), (c), (d), and (e) of this  
8 subsection, creating a like emergency.

9 NEW SECTION. **Sec. 16.** (1) The office of financial management  
10 shall conduct a study, in consultation with, at minimum, one  
11 representative each from school districts that administer remote, site-  
12 based, and online alternative learning experience courses; the office  
13 of the superintendent of public instruction; the Washington state  
14 institute for public policy; individuals with expertise in outcome-  
15 based public school funding models; a Washington state nonprofit  
16 organization with expertise in alternative learning education; and the  
17 legislative evaluation and accountability program committee.

18 (2) The purpose of the study is to create a proposal for  
19 efficiently and sustainably funding alternative learning experience  
20 courses and to recommend steps to increase the focus on educational  
21 outcomes. The study may recommend the funding method established in  
22 section 4 of this act or another method of funding. The study shall  
23 review alternative learning funding models used in other states and  
24 consider the advantages and disadvantages of applying state policies,  
25 including funding policies, differentially depending on the type of  
26 alternative learning experience course. The study should also include  
27 but not be limited to, recommendations for establishing baseline data  
28 regarding alternative learning experience student proficiency and  
29 achievement in relation to students in a comparable demographic,  
30 identifying outcome targets and methods to measure progress toward  
31 targets, identifying methods to ensure ongoing evaluation of outcomes  
32 that account for the student demographics being served, and improving  
33 alternative learning experience accountability.

34 (3) The office of financial management shall report its findings  
35 from the study to the education and fiscal committees of the  
36 legislature by November 1, 2013.

1        NEW SECTION.    **Sec. 17.**    (1) RCW 28A.150.262 and 28A.150.325 are  
2 each recodified as sections in chapter 28A.--- RCW (the new chapter  
3 created in section 18 of this act).

4        (2) 2011 1st sp.s. c 34 s 1 is codified as a section in chapter  
5 28A.--- RCW (the new chapter created in section 18 of this act).

6        NEW SECTION.    **Sec. 18.**    Sections 1 and 4 of this act constitute a  
7 new chapter in Title 28A RCW."

8        Correct the title.

EFFECT:    Makes the following changes to the underlying bill:

Replaces a definition of "hybrid course" (at least 20% weekly contact, may be remote) with a definition of "site-based course" (at least 20% weekly in-person contact).

Retains definitions of "remote" course (<20% in-person weekly contact) and "online" course (defined by current law). Clarifies that a remote course is one that is not an online course.

Adds a definition of "in-person" to mean face-to-face instruction in a physical classroom.

Allows school districts to claim funding (as provided by law) for all three course types.

Makes technical corrections to other current laws regarding ALE and online courses to align with the use of "courses" rather than "programs", as well as the new funding allocation for ALE based on the statewide average high school BEA.

Adds to the study of ALE funding & accountability that the study must consider advantages and disadvantages of applying state policies, including funding policies, differentially based on the type of course.

Adds the following provisions to the underlying bill:

Requires SPI to adopt rules clarifying how resident & nonresident districts share student count so as not to exceed 1 FTE for online courses.

Requires school districts offering an ALE course to a nonresident student to inform the resident district if a student drops out or is no longer enrolled.

Prohibits SPI from adopting a rule regarding online courses that specifies a minimum duration of weekly contact.

Allows online programs to request a waiver from SPI to conduct state assessments on a different schedule, but still within the overall testing window.

Directs OSPI to develop a standard choice release form for release of a student to an online program in another district.

Requires districts to release a student to enroll in an approved online program in a nonresident district.

Allows nonresident districts to deny choice for an online student who is not following the rules for participation in an online course.

--- END ---