
SUBSTITUTE SENATE BILL 5794

State of Washington

63rd Legislature

2013 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Dammeier, Ranker, McAuliffe, Honeyford, Eide, and Litzow)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to alternative learning experience courses;
2 amending RCW 28A.150.100, 28A.150.325, 28A.250.010, 28A.250.020,
3 28A.250.050, 28A.525.162, and 28A.525.166; amending 2011 1st sp.s. c 34
4 s 1 (uncodified); adding a new chapter to Title 28A RCW; creating a new
5 section; and recodifying RCW 28A.150.262 and 28A.150.325.

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

7 **Sec. 1.** 2011 1st sp.s. c 34 s 1 (uncodified) is amended to read as
8 follows:

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

16 (2) The legislature finds ample evidence of the need to examine and
17 reconsider policies under which alternative learning that occurs
18 outside the classroom using an individual student learning plan may be
19 considered equivalent to full-time attendance in school, including for

1 funding purposes. Previous legislative studies have raised questions
2 about financial practices and accountability in alternative learning
3 experience ((~~programs~~)) courses. Since 2005, there has been
4 significant enrollment growth in alternative learning experience online
5 ((~~programs~~)) courses, with evidence of unexpected financial impact when
6 large numbers of nonresident students enroll in ((~~programs~~)) courses.
7 Based on this evidence, there is a rational basis on which to conclude
8 that there are different costs associated with providing ((~~a program~~))
9 courses not primarily based on full-time, daily contact between
10 teachers and students and not primarily occurring on-site in a
11 classroom.

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

16 NEW SECTION. Sec. 2. The certificated instructional staff ratio
17 requirements under RCW 28A.150.100 do not apply to that portion of a
18 district's annual average full-time equivalent enrollment that is
19 enrolled in an alternative learning experience course.

20 **Sec. 3.** RCW 28A.150.100 and 2011 1st sp.s. c 34 s 10 are each
21 amended to read as follows:

22 (1) For the purposes of this section and RCW 28A.150.410 and
23 28A.400.200, "basic education certificated instructional staff" means
24 all full-time equivalent classroom teachers, teacher librarians,
25 guidance counselors, certificated student health services staff, and
26 other certificated instructional staff in the following programs as
27 defined for statewide school district accounting purposes: Basic
28 education, secondary vocational education, general instructional
29 support, and general supportive services.

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

1 **Sec. 4.** 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) "Hybrid course" means an alternative learning experience course
20 where the student has instructional contact time for at least twenty
21 percent of the total weekly time for the course.

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

32 (d) "Online course" has the same meaning as provided in RCW
33 28A.250.010.

34 (e) "Remote course" means an alternative learning experience course
35 where the student has in-person instructional contact time for less
36 than twenty percent of the total weekly time for the course.

37 (f) "Total weekly time" means the estimated average hours per

1 school week the student will engage in learning activities to meet the
2 requirements of the written student learning plan.

3 ~~(2) ((The broad categories of alternative learning experience~~
4 ~~programs include, but are not limited to:~~

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

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

9 ~~(c) Contract based learning programs))~~ School districts may claim
10 state funding under RCW 28A.150.260, to the extent otherwise allowed by
11 state law including the provisions of RCW 28A.250.060, for students
12 enrolled in alternative learning experience courses subject to the
13 following requirements and limitations:

14 (a) Remote courses may be offered to students in grades
15 kindergarten through twelve.

16 (b) Hybrid courses and online courses may be offered to students in
17 grades kindergarten through twelve.

18 (c) High school courses must meet district or state graduation
19 requirements and be offered for high school credit.

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

1 alternative learning experience written student learning plan,
2 including but not limited to lessons, trips, and other activities,
3 unless substantially similar experiences and services are available to
4 students enrolled in the district's regular instructional program.
5 School districts that purchase or contract for such experiences and
6 services for students enrolled in an alternative learning experience
7 (~~(program)~~) course must submit an annual report to the office of the
8 superintendent of public instruction detailing the costs and purposes
9 of the expenditures. These requirements extend to contracted providers
10 of alternative learning experience (~~(programs)~~) courses, and each
11 district shall be responsible for monitoring the compliance of its
12 providers with these requirements. However, nothing in this
13 (~~(section)~~) subsection shall prohibit school districts from contracting
14 with school district employees to provide services or experiences to
15 students, or from contracting with online providers approved by the
16 office of the superintendent of public instruction pursuant to chapter
17 28A.250 RCW.

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

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

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

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

29 (5) School districts must assess the educational progress of
30 enrolled students at least annually, using, for full-time students, the
31 state assessment for the student's grade level and using any other
32 annual assessments required by the school district. Part-time students
33 must also be assessed at least annually. However, part-time students
34 who are either receiving home-based instruction under chapter 28A.200
35 RCW or who are enrolled in an approved private school under chapter
36 28A.195 RCW are not required to participate in the assessments required
37 under chapter 28A.655 RCW. The rules must address how students who

1 reside outside the geographic service area of the school district are
2 to be assessed.

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

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

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.525.162 and 2012 c 244 s 2 are each amended to
10 read as follows:

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

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

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

25 (b) No such local funds shall be required as a condition to the
26 allotment of funds from the state for the purpose of making major or
27 minor structural changes to existing school facilities in order to
28 bring such facilities into compliance with the barrier free access
29 requirements of section 504 of the federal rehabilitation act of 1973
30 (29 U.S.C. Sec. 706) and rules implementing the act.

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

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

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

8 (ii) The enrollment of nonhigh school districts shall be increased
9 by the number of students residing within the district who are enrolled
10 in a serving high school district so designated by the nonhigh school
11 district under RCW 28A.540.110, including only students who are
12 enrolled in grade levels not offered by the nonhigh school district;
13 and

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

16 (b) In the case of construction or modernization of high school
17 facilities in districts serving students from nonhigh school districts,
18 the adjusted valuation per pupil shall be computed using the combined
19 adjusted valuations and enrollments of each district, each weighted by
20 the percentage of the district's resident high school students served
21 by the high school district;

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

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

28 (4) In lieu of the exclusion in subsection (3)(d) of this section,
29 a district may submit an alternative calculation for excluding students
30 enrolled in alternative learning experience (~~(programs)~~) courses. The
31 alternative calculation must show the student headcount use of district
32 classroom facilities on a regular basis for a regular duration by out-
33 of-district alternative learning experience (~~(program)~~) students
34 subtracted by the headcount of in-district alternative learning
35 experience (~~(program)~~) students not using district classroom facilities
36 on a regular basis for a reasonable duration. The alternative
37 calculation must be submitted in a form approved by the office of the

1 superintendent of public instruction. The office of the superintendent
2 of public instruction must develop rules to define "regular basis" and
3 "reasonable duration."

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

9 (6) For the purposes of this section, "preschool students with
10 disabilities" means children of preschool age who have developmental
11 disabilities who are entitled to services under RCW 28A.155.010 through
12 28A.155.100 and are not included in the kindergarten enrollment count
13 of the district.

14 **Sec. 9.** RCW 28A.525.166 and 2012 c 244 s 3 are each amended to
15 read as follows:

16 Allocations to school districts of state funds provided by RCW
17 28A.525.162 through 28A.525.180 shall be made by the superintendent of
18 public instruction and the amount of state funding assistance to a
19 school district in financing a school plant project shall be determined
20 in the following manner:

21 (1) The boards of directors of the districts shall determine the
22 total cost of the proposed project, which cost may include the cost of
23 acquiring and preparing the site, the cost of constructing the building
24 or of acquiring a building and preparing the same for school use, the
25 cost of necessary equipment, taxes chargeable to the project, necessary
26 architects' fees, and a reasonable amount for contingencies and for
27 other necessary incidental expenses: PROVIDED, That the total cost of
28 the project shall be subject to review and approval by the
29 superintendent.

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

32 The ratio of the school district's adjusted valuation per pupil
33 divided by the ratio of the total state adjusted valuation per pupil
34 shall be subtracted from three, and then the result of the foregoing
35 shall be divided by three plus (the ratio of the school district's
36 adjusted valuation per pupil divided by the ratio of the total state
37 adjusted valuation per pupil).

1		District adjusted	Total state	
2		3-valuation	÷ adjusted valuation	
3	Computed	per pupil	per pupil	State
4	State =	_____		= - % Funding
5	Ratio	District adjusted	Total state	Assistance
6		3+valuation	÷ adjusted valuation	
7		per pupil	per pupil	

8 PROVIDED, That in the event the state funding assistance percentage to
 9 any school district based on the above formula is less than twenty
 10 percent and such school district is otherwise eligible for state
 11 funding assistance under RCW 28A.525.162 through 28A.525.180, the
 12 superintendent may establish for such district a state funding
 13 assistance percentage not in excess of twenty percent of the approved
 14 cost of the project, if the superintendent finds that such additional
 15 assistance is necessary to provide minimum facilities for housing the
 16 pupils of the district.

17 (3) In addition to the computed state funding assistance percentage
 18 developed in subsection (2) of this section, a school district shall be
 19 entitled to additional percentage points determined by the average
 20 percentage of growth for the past three years. One percent shall be
 21 added to the computed state funding assistance percentage for each
 22 percent of growth, with a maximum of twenty percent.

23 (4) In computing the state funding assistance percentage in
 24 subsection (2) of this section and adjusting the percentage under
 25 subsection (3) of this section, students residing outside the school
 26 district who are enrolled in alternative learning experience
 27 ((~~programs~~)) courses under RCW 28A.150.325 (as recodified by this act)
 28 shall be excluded from the count of total pupils. In lieu of the
 29 exclusion in this subsection, a district may submit an alternative
 30 calculation for excluding students enrolled in alternative learning
 31 experience ((~~programs~~)) courses. The alternative calculation must show
 32 the student headcount use of district classroom facilities on a regular
 33 basis for a reasonable duration by out-of-district alternative learning
 34 experience ((~~program~~)) students subtracted by the headcount of in-
 35 district alternative learning experience ((~~program~~)) students not using
 36 district classroom facilities on a regular basis for a reasonable
 37 duration. The alternative calculation must be submitted in a form

1 approved by the office of the superintendent of public instruction.
2 The office of the superintendent of public instruction must develop
3 rules to define "regular basis" and "reasonable duration."

4 (5) The approved cost of the project determined in the manner
5 prescribed in this section multiplied by the state funding assistance
6 percentage derived as provided for in this section shall be the amount
7 of state funding assistance to the district for the financing of the
8 project: PROVIDED, That need therefor has been established to the
9 satisfaction of the superintendent: PROVIDED, FURTHER, That additional
10 state funding assistance may be allowed if it is found by the
11 superintendent, considering policy recommendations from the school
12 facilities citizen advisory panel that such assistance is necessary in
13 order to meet (a) a school housing emergency resulting from the
14 destruction of a school building by fire, the condemnation of a school
15 building by properly constituted authorities, a sudden excessive and
16 clearly foreseeable future increase in school population, or other
17 conditions similarly emergent in nature; or (b) a special school
18 housing burden resulting from projects of statewide significance or
19 imposed by virtue of the admission of nonresident students into
20 educational programs established, maintained and operated in conformity
21 with the requirements of law; or (c) a deficiency in the capital funds
22 of the district resulting from financing, subsequent to April 1, 1969,
23 and without benefit of the state funding assistance provided by prior
24 state assistance programs, the construction of a needed school building
25 project or projects approved in conformity with the requirements of
26 such programs, after having first applied for and been denied state
27 funding assistance because of the inadequacy of state funds available
28 for the purpose, or (d) a condition created by the fact that an
29 excessive number of students live in state owned housing, or (e) a need
30 for the construction of a school building to provide for improved
31 school district organization or racial balance, or (f) conditions
32 similar to those defined under (a), (b), (c), (d), and (e) of this
33 subsection, creating a like emergency.

34 NEW SECTION. **Sec. 10.** (1) Funding for hybrid, remote, and online
35 alternative learning experience courses as defined in RCW 28A.150.325
36 (as recodified by this act) shall be allocated by the office of the
37 superintendent of public instruction based on the unenhanced statewide

1 average basic education allocation per full-time equivalent student
2 anticipated during the development of the biennial budget and
3 referenced in the omnibus appropriations act for each full-time
4 equivalent alternative learning experience student.

5 (2)(a) The office of the superintendent of public instruction shall
6 conduct a study, in consultation with at minimum, one representative
7 from a school district that administers hybrid courses, one
8 representative from a school district that administers online courses,
9 and one representative from a school district that administers remote
10 alternative learning experience courses, for the purpose of creating a
11 proposal for efficiently and sustainably funding alternative learning
12 experience courses. The proposal may recommend the funding method in
13 subsection (1) of this section or another method of funding.

14 (b) The office of the superintendent of public instruction shall
15 report its findings from the study to the education committees of the
16 legislature by November 1, 2013.

17 NEW SECTION. **Sec. 11.** (1) RCW 28A.150.262 and 28A.150.325 are
18 each recodified as sections in chapter 28A.--- RCW (the new chapter
19 created in section 12 of this act).

20 (2) 2011 1st sp.s. c 34 s 1 is codified as a section in chapter
21 28A.--- RCW (the new chapter created in section 12 of this act).

22 NEW SECTION. **Sec. 12.** Sections 1 and 10 of this act constitute a
23 new chapter in Title 28A RCW.

--- END ---