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SENATE BILL 5794

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Dammeier, Ranker, McAuliffe, Honeyford, Eide, and Litzow

Read first time 02/15/13. Referred to Committee on Early Learning & K-12 Education.

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~~) an alternative learning  
35 experience course as defined in RCW 28A.150.325 (as recodified by this  
36 act) where:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36           (4) The superintendent of public instruction shall make the first  
37 round of decisions regarding approval of multidistrict online providers  
38 by April 1, 2010. The first round of decisions regarding approval of



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

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

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

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

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

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

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

13 **Sec. 8.** RCW 28A.525.162 and 2012 c 244 s 2 are each amended to  
14 read as follows:

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

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

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

29 (b) No such local funds shall be required as a condition to the  
30 allotment of funds from the state for the purpose of making major or  
31 minor structural changes to existing school facilities in order to  
32 bring such facilities into compliance with the barrier free access  
33 requirements of section 504 of the federal rehabilitation act of 1973  
34 (29 U.S.C. Sec. 706) and rules implementing the act.

35 (3) For the purpose of computing the state funding assistance  
36 percentage under RCW 28A.525.166 when a school district is granted  
37 authority to enter into contracts, adjusted valuation per pupil shall

1 be calculated using headcount student enrollments from the most recent  
2 October enrollment reports submitted by districts to the superintendent  
3 of public instruction, adjusted as follows:

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

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

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

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

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

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

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

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

1 on a regular basis for a reasonable duration. The alternative  
2 calculation must be submitted in a form approved by the office of the  
3 superintendent of public instruction. The office of the superintendent  
4 of public instruction must develop rules to define "regular basis" and  
5 "reasonable duration."

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

11 (6) For the purposes of this section, "preschool students with  
12 disabilities" means children of preschool age who have developmental  
13 disabilities who are entitled to services under RCW 28A.155.010 through  
14 28A.155.100 and are not included in the kindergarten enrollment count  
15 of the district.

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

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

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

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

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

1 shall be divided by three plus (the ratio of the school district's  
 2 adjusted valuation per pupil divided by the ratio of the total state  
 3 adjusted valuation per pupil).

$$\begin{array}{r}
 \text{4} \qquad \qquad \qquad \text{District adjusted} \quad \text{Total state} \\
 \text{5} \qquad \qquad \qquad \text{3-valuation} \quad \div \text{ adjusted valuation} \\
 \text{6} \qquad \text{Computed} \quad \text{per pupil} \quad \text{per pupil} \quad \text{State} \\
 \text{7} \qquad \text{State} = \frac{\text{District adjusted}}{\text{3+valuation}} = \text{\% Funding} \\
 \text{8} \qquad \text{Ratio} \quad \text{District adjusted} \quad \text{Total state} \quad \text{Assistance} \\
 \text{9} \qquad \qquad \text{3+valuation} \quad \div \text{ adjusted valuation} \\
 \text{10} \qquad \qquad \text{per pupil} \quad \text{per pupil}
 \end{array}$$

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

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

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

1 district classroom facilities on a regular basis for a reasonable  
2 duration. The alternative calculation must be submitted in a form  
3 approved by the office of the superintendent of public instruction.  
4 The office of the superintendent of public instruction must develop  
5 rules to define "regular basis" and "reasonable duration."

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

36 NEW SECTION. **Sec. 10.** (1) The office of the superintendent of  
37 public instruction shall conduct a study, in consultation with

1 representatives from school districts that administer alternative  
2 learning experience courses, for the purpose of creating a proposal for  
3 efficiently and sustainably funding alternative learning experience  
4 courses.

5 (2) The office of the superintendent of public instruction shall  
6 report its findings from the study to the education committees of the  
7 legislature by November 1, 2013.

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

11 (2) 2011 1st sp.s. c 34 s 1 is codified as a section in chapter  
12 28A.--- RCW (the new chapter created in section 12 of this act).

13 NEW SECTION. **Sec. 12.** Section 1 of this act constitutes a new  
14 chapter in Title 28A RCW.

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