

# The Washington State Board of Education

Governance | Achievement | High School and College Preparation | Math & Science | Effective Workforce

<b>Title:</b>	<b>Legislative Update Cover Memo</b>	
<b>As Related To:</b>	<input type="checkbox"/> Goal One: Advocacy for an effective, accountable governance structure for public education <input checked="" type="checkbox"/> Goal Two: Policy leadership for closing the academic achievement gap <input checked="" type="checkbox"/> Goal Three: Policy leadership to increase Washington's student enrollment and success in secondary and postsecondary education	<input type="checkbox"/> Goal Four: Effective strategies to make Washington's students nationally and internationally competitive in math and science <input type="checkbox"/> Goal Five: Advocacy for policies to develop the most highly effective K-12 teacher and leader workforce in the nation <input type="checkbox"/> Other
<b>Relevant To Board Roles:</b>	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input checked="" type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
<b>Policy Considerations / Key Questions:</b>	<p>The Board will consider a Budget proposal, and discuss the possible impact of pessimistic economic forecasts, and a projected deficit for the state budget in 2011-13. Additionally, two legislative policy issues for the 2012 legislative session will be briefly addressed; one concerning English language learner funding, and the other concerning alternative learning experience program requirements.</p>	
<b>Possible Board Action:</b>	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input type="checkbox"/> Approve <input type="checkbox"/> Other	
<b>Materials Included in Packet:</b>	<input type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input checked="" type="checkbox"/> PowerPoint	
<b>Synopsis:</b>	<p>In the legislative update portion of the agenda, the Executive Director will go over a proposed SBE budget. The Office of Financial Management has asked agencies to prepare 5 percent and 10 percent reduction options to respond to economic forecasts which project a deficit in the 2011-13 budget. The fiscal year 2011 SBE budget will be reviewed with members, and the OFM budget projections will be discussed in the context of a proposed 2011-13 SBE Budget.</p> <p>The Board will also briefly consider two significant policy changes from last legislative session: changes made to the Transitional Bilingual funding formula, as well as important aspects of how alternative learning experience programs (including online programs) are regulated and funded. The presentation will briefly touch upon these topics in anticipation of more in-depth discussions at the November Board meeting.</p>	

# FINAL BILL REPORT

## ESHB 2065

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C 34 L 11 E1  
Synopsis as Enacted

**Brief Description:** Regarding the allocation of funding for students enrolled in alternative learning experiences.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representative Hunt).

**House Committee on Ways & Means**  
**Senate Committee on Ways & Means**

### **Background:**

Alternative learning experience (ALE) programs are public school alternative options that are primarily characterized by learning activities that occur away from the regular public school classroom. The requirements and expectations of ALE activities are detailed in a written student learning plan developed and supervised by a public school teacher.

The regulatory requirements for ALE programs are in the Washington administrative rules. The ALE students are funded on the basis of hours towards a student learning plan, which is in contrast to the "seat time" requirements for basic education funding in non-ALE programs, where school districts claim basic funding only for enrolled students who are expected to physically attend school each day for a specified number of hours.

The ALE programs are different than home-based instruction. An ALE is a public school learning experience which is planned and supervised by a public school teacher. Home-based education is planned and supervised under the authority of the parent, not the school district. Home-based students may enroll part-time in public school classes and programs, including ALE.

Alternative learning experience program enrollment has increased significantly over time. Although ALE enrollment was inconsistently reported in the early years of the program, survey data and research reports suggest that total enrollment has increased over 450 percent since 1995. Survey reports estimate 1995 ALE enrollment at about 5,000 full-time equivalent (FTE) students, as compared to February 2011 enrollment of approximately 28,826 FTEs.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Alternative learning experience student FTEs are funded at the same general apportionment rate as non-ALE students. Total funding for ALE programs is estimated at approximately \$150 million per school year. Alternative learning experience students generally fall into three major categories of ALE program offerings: digital and online programs, parent partnerships, and contract-based learning programs.

#### Digital or Online Learning Programs.

Digital, online learning programs are defined and authorized in statute. Students often enroll as non-resident students in geographically removed school districts that offer virtual programs. Many schools offer online learning courses, but claim enrollment for only the hours the student is in an on-site classroom. Online learning only becomes an ALE when the student is engaged in learning away from school, and the school district is using the time the student engages in this away-from-school learning as part of the FTE claimed for basic education apportionment. There are about 7,923 student FTEs in these programs as of February 2011.

#### Parent Partnership Programs.

Parent partnership programs offer a significant role for parents in the development and provision of public education. These programs are not specifically defined or authorized in statute. Many students in parent partnership programs may have been receiving home-based instruction prior to enrolling in the ALE program. However, parent partnerships are not home-based instruction because the school district is ultimately responsible for student learning, not the parent. Although there are a variety of different program models in the parent partnership category, with districts requiring varying degrees of in-person contact time in a classroom setting, all programs operate outside the standard seat-time requirements for funding required in the non-ALE setting. There are about 12,187 student FTEs in these programs as of February 2011.

#### Contract-based Learning Programs.

Contract-based learning is usually limited to secondary students, and is often used for credit retrieval or credit acceleration. Contract-based ALE programs are not specifically defined or authorized in statute. Many alternative middle and high schools offer some form of contract-based learning, as do a smaller number of comprehensive high schools; however, not all alternative high schools are ALE programs. Many contract-based programs offer flexibly-structured programs for students not succeeding in a general education high school format. There are about 8,716 student FTEs in these programs as of February 2011.

A number of studies of ALE programs in Washington have been done. The earliest known report on ALE was conducted by the Office of Superintendent of Public Instruction (OSPI) in 1999. It provides a review of ALE programs prior to mainstream use of the Internet as a tool for distance learning, and also during a time when ALE programs were just becoming available in grades K-8. Additionally, the Joint Legislative Audit and Review Committee did an extensive review of all ALE programs in 2005, including analysis of the use of parent stipends. The OSPI performed a study in December of 2009, analyzing just the digital and online aspects of ALE.

#### **Summary:**

The Legislature finds that there is ample evidence of the need to reexamine and reconsider the method by which the state funds ALE programs, and the state does not have a legal obligation to provide basic instruction using any particular delivery method or program.

A definition of ALE programs is established which includes the following components:

- The ALE program is provided in whole or in part outside the classroom setting.
- The ALE program is supervised by a certified teacher of the district or under contract.
- The ALE program is provided according to a written learning plan under district policy and the OSPI rules.

Additionally, the ALE definition includes online programs defined under current law, programs with significant participation and partnership with parents, and contract-based learning programs.

The use of parent stipends in ALE programs is prohibited, but districts may purchase materials in a student learning plan as long as they remain the property of the district. Instructional experiences and services made available to ALE students in the student learning plan must be "substantially similar" to what is available to all students in the district.

Beginning in the 2012-13 school year, state funding for students in ALE online programs is limited to those offered by an online provider approved by the OSPI under the process in statute. Definitions of "online course" and "online school program" are clarified to align with the operating definitions used by the OSPI in approving online providers. The definition of online courses is changed to specify that more than half of the instruction in these courses is provided remotely, via the Internet or other computer-based method. School districts must award credit for online high school courses that meet the district's graduation requirements and are affected by an approved online provider.

Funding is reduced by an aggregate amount of 15 percent for ALE programs for the 2011-12 and 2012-13 school years. The OSPI is tasked with determining the methodology for achieving the savings, so long as no particular ALE program receives less than a 10 percent reduction or more than a 20 percent reduction in funding.

School districts are exempt from minimum staffing requirements for certificated instructional staff for that portion of the student population participating in ALE programs.

**Votes on Final Passage:**

First Special Session

House	63	32	
Senate	34	11	(Senate amended)
House	71	25	(House concurred)

**Effective:** August 24, 2011  
September 1, 2011 (Sections 9 and 10)

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2065

Chapter 34, Laws of 2011

62nd Legislature  
2011 1st Special Session

ALTERNATIVE LEARNING STUDENTS--FUNDING

EFFECTIVE DATE: 08/24/11 - Except sections 9 and 10, which become effective 09/01/11.

Passed by the House May 25, 2011  
Yeas 71 Nays 25

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate May 25, 2011  
Yeas 34 Nays 11

BRAD OWEN

President of the Senate

Approved June 15, 2011, 2:54 p.m.

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2065 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

June 15, 2011

CHRISTINE GREGOIRE

Governor of the State of Washington

Secretary of State  
State of Washington

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ENGROSSED SUBSTITUTE HOUSE BILL 2065

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AS AMENDED BY THE SENATE

Passed Legislature - 2011 1st Special Session

State of Washington                    62nd Legislature    2011 1st Special Session

By House Ways & Means (originally sponsored by Representative Hunt)

READ FIRST TIME 05/06/11.

1            AN ACT Relating to allocation of funding for students enrolled in  
2 alternative learning experiences; amending RCW 28A.150.262,  
3 28A.250.005, 28A.250.010, 28A.250.020, 28A.250.030, 28A.250.060,  
4 28A.150.260, 28A.150.100, and 28A.250.050; adding a new section to  
5 chapter 28A.150 RCW; creating a new section; providing an effective  
6 date; and providing an expiration date.

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

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

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

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

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

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150  
15 RCW to read as follows:

16 (1) For purposes of this chapter, "alternative learning experience  
17 program" means a course or set of courses that is:

18 (a) Provided in whole or in part independently from a regular  
19 classroom setting or schedule, but may include some components of  
20 direct instruction;

21 (b) Supervised, monitored, assessed, evaluated, and documented by  
22 a certificated teacher employed by the school district or under  
23 contract as permitted by applicable rules; and

24 (c) Provided in accordance with a written student learning plan  
25 that is implemented pursuant to the school district's policy and rules  
26 adopted by the superintendent of public instruction for alternative  
27 learning experiences.

28 (2) The broad categories of alternative learning experience  
29 programs include, but are not limited to:

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

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

34 (c) Contract-based learning programs.

35 (3) School districts that offer alternative learning experience  
36 programs may not provide any compensation, reimbursement, gift, reward,  
37 or gratuity to any parents, guardians, or students for participation.

1 School district employees are prohibited from receiving any  
2 compensation or payment as an incentive to increase student enrollment  
3 of out-of-district students in an alternative learning experience  
4 program. This prohibition includes, but is not limited to, providing  
5 funds to parents, guardians, or students for the purchase of  
6 educational materials, supplies, experiences, services, or  
7 technological equipment. A district may purchase educational  
8 materials, equipment, or other nonconsumable supplies for students' use  
9 in alternative learning experience programs if the purchase is  
10 consistent with the district's approved curriculum, conforms to  
11 applicable laws and rules, and is made in the same manner as such  
12 purchases are made for students in the district's regular instructional  
13 program. Items so purchased remain the property of the school district  
14 upon program completion. School districts may not purchase or contract  
15 for instructional or co-curricular experiences and services that are  
16 included in an alternative learning experience written student learning  
17 plan, including but not limited to lessons, trips, and other  
18 activities, unless substantially similar experiences and services are  
19 available to students enrolled in the district's regular instructional  
20 program. School districts that purchase or contract for such  
21 experiences and services for students enrolled in an alternative  
22 learning experience program must submit an annual report to the office  
23 of the superintendent of public instruction detailing the costs and  
24 purposes of the expenditures. These requirements extend to contracted  
25 providers of alternative learning experience programs, and each  
26 district shall be responsible for monitoring the compliance of its  
27 providers with these requirements. However, nothing in this section  
28 shall prohibit school districts from contracting with online providers  
29 approved by the office of the superintendent of public instruction  
30 pursuant to chapter 28A.250 RCW.

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

33 (5) The superintendent of public instruction shall adopt rules  
34 defining minimum requirements and accountability for alternative  
35 learning experience programs.

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



1 Under RCW 28A.150.260, the superintendent of public instruction  
2 shall revise the definition of a full-time equivalent student to  
3 include students who receive instruction through alternative learning  
4 experience online programs. As used in this section and section 2 of  
5 this act, an "alternative learning experience online program" is a set  
6 of online courses or an online school program as defined in RCW  
7 28A.250.010 that is delivered to students in whole or in part  
8 independently from a regular classroom schedule. (~~The superintendent~~  
9 ~~of public instruction has the authority to adopt rules to implement the~~  
10 ~~revised definition beginning with the 2005-2007 biennium for school~~  
11 ~~districts claiming state funding for the programs.~~) Beginning in the  
12 2013-14 school year, alternative learning experience online programs  
13 must be offered by an online provider approved by the superintendent of  
14 public instruction under RCW 28A.250.020 to meet the definition in this  
15 section. The rules shall include but not be limited to the following:

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

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

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

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

36 (5) Requiring documentation of the district of the student's  
37 physical residence;

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

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

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

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

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

31 (11) Requiring that each student enrolled in the program have  
32 direct personal contact with a certificated (~~((instructional staff))~~)  
33 teacher at least weekly until the student completes the course  
34 objectives or the requirements in the learning plan. Direct personal  
35 contact is for the purposes of instruction, review of assignments,  
36 testing, evaluation of student progress, or other learning activities.  
37 Direct personal contact may include the use of telephone, e-mail,

1 instant messaging, interactive video communication, or other means of  
2 digital communication;

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

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

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

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

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

33 (2) However, the legislature also finds that there is a need to  
34 assure quality in online learning, both for the programs and the  
35 administration of those programs. The legislature is the steward of  
36 public funds that support students enrolled in online learning and must  
37 ensure an appropriate accountability system at the state level.

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

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

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

11 (b) Create an approval process for ((~~multidistrict~~)) online  
12 providers;

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

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

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

19 The definitions in this section apply throughout this chapter  
20 unless the context clearly requires otherwise.

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

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

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

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

31 (b) "Multidistrict online provider" does not include a school  
32 district online learning program in which fewer than ten percent of the  
33 students enrolled in the program are from other districts under the  
34 interdistrict student transfer provisions of RCW 28A.225.225.  
35 "Multidistrict online provider" also does not include regional online  
36 learning programs that are jointly developed and implemented by two or  
37 more school districts or an educational service district through an

1 interdistrict cooperative program agreement that addresses, at minimum,  
2 how the districts share student full-time equivalency for state basic  
3 education funding purposes and how categorical education programs,  
4 including special education, are provided to eligible students.

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

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

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

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

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

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

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

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

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

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

1       **Sec. 6.** RCW 28A.250.020 and 2009 c 542 s 3 are each amended to  
2 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 ~~((multidistrict))~~ online  
6 providers; a process for monitoring and if necessary rescinding the  
7 approval of courses or programs offered by an online ~~((course))~~  
8 provider; and an appeals process. The criteria and processes for  
9 multidistrict online providers shall be adopted by rule by December 1,  
10 2009.

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

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

1 (4) The superintendent of public instruction shall make the first  
2 round of decisions regarding approval of multidistrict online providers  
3 by April 1, 2010. The first round of decisions regarding approval of  
4 online providers that are not multidistrict online providers shall be  
5 made by April 1, 2013. Thereafter, the superintendent of public  
6 instruction shall make annual approval decisions no later than November  
7 1st of each year.

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

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

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

29 (1) Develop and maintain a web site that provides objective  
30 information for students, parents, and educators regarding online  
31 learning opportunities offered by (~~multidistrict~~) online providers  
32 that have been approved in accordance with RCW 28A.250.020. The web  
33 site shall include information regarding the online course provider's  
34 overall instructional program, specific information regarding the  
35 content of individual online courses and online school programs, a  
36 direct link to each online course provider's web site, how to register  
37 for online learning programs and courses, teacher qualifications,

1 student-to-teacher ratios, course completion rates, and other  
2 evaluative and comparative information. The web site shall also  
3 provide information regarding the process and criteria for approving  
4 ((~~multidistrict~~)) online providers. To the greatest extent possible,  
5 the superintendent shall use the framework of the course offering  
6 component of the web site developed by the digital learning commons;

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

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

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

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

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

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

29 (a) Offered by a multidistrict online provider approved under RCW  
30 28A.250.020 by the superintendent of public instruction;

31 (b) Offered by a school district online learning program if the  
32 program serves students who reside within the geographic boundaries of  
33 the school district, including school district programs in which fewer  
34 than ten percent of the program's students reside outside the school  
35 district's geographic boundaries; or

36 (c) Offered by a regional online learning program where courses are



1 jointly developed and offered by two or more school districts or an  
2 educational service district through an interdistrict cooperative  
3 program agreement.

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

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

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

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

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

27 (2) The distribution formula under this section shall be for  
28 allocation purposes only. Except as may be required under chapter  
29 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
30 regulations, nothing in this section requires school districts to use  
31 basic education instructional funds to implement a particular  
32 instructional approach or service. Nothing in this section requires  
33 school districts to maintain a particular classroom teacher-to-student  
34 ratio or other staff-to-student ratio or to use allocated funds to pay  
35 for particular types or classifications of staff. Nothing in this  
36 section entitles an individual teacher to a particular teacher planning  
37 period.

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

23 (b) The total aggregate statewide allocations calculated under  
24 subsections (4) through (12) of this section for full-time equivalent  
25 student enrollment in alternative learning experience programs as  
26 defined in section 2 of this act shall be reduced by fifteen percent  
27 for the 2011-12 and 2012-13 school years. The superintendent of public  
28 instruction shall determine how to implement this aggregate fifteen  
29 percent reduction among the different alternative learning experience  
30 programs. No program may receive less than a ten percent reduction and  
31 no program may receive greater than a twenty percent reduction. In  
32 determining how to implement the reductions among the alternative  
33 learning experience programs, the superintendent of public instruction  
34 must look to both how a program is currently operating as well as how  
35 it has operated in the past, to the extent that data is available, and  
36 must give consideration to the following criteria:

37 (i) The category of program;

1 (ii) The certificated instructional staffing ratio maintained by  
2 the program;

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

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

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

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

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

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

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

20 (iii) A prototypical elementary school has four hundred average  
21 annual full-time equivalent students in grades kindergarten through  
22 six.

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

	General education average class size
30	
31	
32	
33 Grades K-3 . . . . .	25.23
34 Grade 4 . . . . .	27.00
35 Grades 5-6 . . . . .	27.00
36 Grades 7-8 . . . . .	28.53
37 Grades 9-12 . . . . .	28.74

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

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

	Career and technical education average class size
Approved career and technical education offered at the middle school and high school level . . . . .	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction . . . . .	22.76

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

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

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

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

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators . . . . .	1.253	1.353	1.880
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs . . . . .	0.663	0.519	0.523

1	Health and social services:			
2	School nurses.....	0.076	0.060	0.096
3	Social workers.....	0.042	0.006	0.015
4	Psychologists.....	0.017	0.002	0.007
5	Guidance counselors, a function that includes parent outreach and			
6	graduation advising.....	0.493	1.116	1.909
7	Teaching assistance, including any aspect of educational instructional			
8	services provided by classified employees.....	0.936	0.700	0.652
9	Office support and other noninstructional aides.....	2.012	2.325	3.269
10	Custodians.....	1.657	1.942	2.965
11	Classified staff providing student and staff safety.....	0.079	0.092	0.141
12	Parent involvement coordinators.....	0.00	0.00	0.00

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

17		Staff per 1,000
18		K-12 students
19	Technology . . . . .	0.628
20	Facilities, maintenance, and grounds . . . . .	1.813
21	Warehouse, laborers, and mechanics . . . . .	0.332

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

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

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

36 Per annual average

	full-time equivalent student
	in grades K-12
Technology . . . . .	\$54.43
Utilities and insurance . . . . .	\$147.90
Curriculum and textbooks . . . . .	\$58.44
Other supplies and library materials . . . . .	\$124.07
Instructional professional development for certified and	
classified staff . . . . .	\$9.04
Facilities maintenance . . . . .	\$73.27
Security and central office . . . . .	\$50.76

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

	Per annual average
	full-time equivalent student
	in grades K-12
Technology . . . . .	\$113.80
Utilities and insurance . . . . .	\$309.21
Curriculum and textbooks . . . . .	\$122.17
Other supplies and library materials . . . . .	\$259.39
Instructional professional development for certificated and	
classified staff . . . . .	\$18.89
Facilities maintenance . . . . .	\$153.18
Security and central office administration . . . . .	\$106.12

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

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

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

3 (10) In addition to the allocations otherwise provided under this  
4 section, amounts shall be provided to support the following programs  
5 and services:

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

15 (b) To provide supplemental instruction and services for students  
16 whose primary language is other than English, allocations shall be  
17 based on the head count number of students in each school who are  
18 eligible for and enrolled in the transitional bilingual instruction  
19 program under RCW 28A.180.010 through 28A.180.080. The minimum  
20 allocation for each level of prototypical school shall provide  
21 resources to provide, on a statewide average, 4.7780 hours per week in  
22 extra instruction with fifteen transitional bilingual instruction  
23 program students per teacher.

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

32 (11) The allocations under subsections (4)(a) and (b), (5), (6),  
33 and (8) of this section shall be enhanced as provided under RCW  
34 28A.150.390 on an excess cost basis to provide supplemental  
35 instructional resources for students with disabilities.

36 (12)(a) For the purposes of allocations for prototypical high  
37 schools and middle schools under subsections (4) and (10) of this  
38 section that are based on the percent of students in the school who are

1 eligible for free and reduced-price meals, the actual percent of such  
2 students in a school shall be adjusted by a factor identified in the  
3 omnibus appropriations act to reflect underreporting of free and  
4 reduced-price meal eligibility among middle and high school students.

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

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

14 (b) In the event the legislature rejects the distribution formula  
15 recommended by the governor, without adopting a new distribution  
16 formula, the distribution formula for the previous school year shall  
17 remain in effect.

18 (c) The enrollment of any district shall be the annual average  
19 number of full-time equivalent students and part-time students as  
20 provided in RCW 28A.150.350, enrolled on the first school day of each  
21 month, including students who are in attendance pursuant to RCW  
22 28A.335.160 and 28A.225.250 who do not reside within the servicing  
23 school district. The definition of full-time equivalent student shall  
24 be determined by rules of the superintendent of public instruction and  
25 shall be included as part of the superintendent's biennial budget  
26 request. The definition shall be based on the minimum instructional  
27 hour offerings required under RCW 28A.150.220. Any revision of the  
28 present definition shall not take effect until approved by the house  
29 ways and means committee and the senate ways and means committee.

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

33 **Sec. 10.** RCW 28A.150.100 and 2010 c 236 s 13 are each amended to  
34 read as follows:

35 (1) For the purposes of this section and RCW 28A.150.410 and  
36 28A.400.200, "basic education certificated instructional staff" means  
37 all full-time equivalent classroom teachers, teacher librarians,



1 guidance counselors, certificated student health services staff, and  
2 other certificated instructional staff in the following programs as  
3 defined for statewide school district accounting purposes: Basic  
4 education, secondary vocational education, general instructional  
5 support, and general supportive services.

6 (2) Each school district shall maintain a ratio of at least forty-  
7 six basic education certificated instructional staff to one thousand  
8 annual average full-time equivalent students. This requirement does  
9 not apply to that portion of a district's annual average full-time  
10 equivalent enrollment that is enrolled in alternative learning  
11 experience programs as defined in section 2 of this act.

12 **Sec. 11.** RCW 28A.250.050 and 2009 c 542 s 6 are each amended to  
13 read as follows:

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

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

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

1        ~~((3))~~ (4) When developing local or regional online learning  
2 programs, school districts shall incorporate into the program design  
3 the approval criteria developed by the superintendent of public  
4 instruction under RCW 28A.250.020.

5        NEW SECTION.    **Sec. 12.**    Sections 9 and 10 of this act take effect  
6 September 1, 2011.

7        NEW SECTION.    **Sec. 13.**    Section 9 of this act expires July 1, 2013.  
         Passed by the House May 25, 2011.  
         Passed by the Senate May 25, 2011.  
         Approved by the Governor June 15, 2011.  
         Filed in Office of Secretary of State June 15, 2011.

# The Washington State Board of Education

Governance | Achievement | High School and College Preparation | Math & Science | Effective Workforce

## **Engrossed Substitute Senate Bill 5919**

Passed Legislature – 2011 1<sup>st</sup> Special Session

**State of Washington**

**62<sup>nd</sup> Legislature**

**2011 1<sup>st</sup> Special Session**

**By** Senate Ways and Means (originally sponsored by Senators Murray and Zarelli)

Read First Time on 5/24/11

### **Sec. 1**

Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

## 2 Engrossed Substitute House Bill 1087.SL

### New Section. **Sec. 514 for the Superintendent of Public Instruction—For Transitional Bilingual Programs**

General Fund—State Appropriation (FY 2012	\$83,959,000
General Fund—State Appropriation (BY 2013)	\$88,580,000
General Fund—Federal Appropriation	\$71,001,000
<b>Total Appropriation</b>	<b>\$243,540,000</b>

Appropriations in below are subject to the following conditions and limitations:

(5) (a) The office of the superintendent of public instruction shall implement a funding model for the transitional bilingual program, beginning in school year 2012-13, that is scaled to provide more support to students requiring most intensive intervention, (students with beginning levels of English language proficiency) and less support to students requiring less intervention. The funding model shall also provide up to two years of bonus funding upon successful exit from the bilingual program to facilitate successful transition to a standard program of education.

(b) It is expected that per-pupil funding for level two proficiency will be set at the same level as would have been provided statewide prior to establishing differential per-pupil amounts; level one will be 125 percent of level two; level three through the level prior to exit will be 75 percent of level two; and two bonus years upon successful demonstration of proficiency will be 100 percent of level two. Prior to implementing in school year 2012-13, the office of superintendent of public instruction shall provide to the senate and house of representatives ways and means committees recommended rates based on the results of proficiency test procurement, expressed as both per-pupil rates and hours of instruction as provided in RCW 28A.150.260 (10) (b).

(c) Each bilingual student shall be tested for proficiency level and, therefore, eligibility for the transitional bilingual program each year. The bonus payments for up to two school years following successful exit from the transitional bilingual program shall be allocated to the exiting school district. If the student graduates or transfer to another district prior to the district receiving both years' bonuses, the district shall receive the bonus for only the length of time the student remains enrolled in the exiting district.

(d) The quality education council shall examine the revised funding model developed under this subsection and provide a report the education and fiscal committees of the legislature by December 1, 2011, that includes recommendations for:

(i) Changing the prototypical school funding formula for the transitional bilingual program to align with the revised model in an accurate and transparent manner;

(ii) Reconciling the revised model with statutory requirements for categorical funding of the transitional bilingual instructional program that is restricted to students eligible for and enrolled in that program;

(iii) Clarifying the elements of the transitional bilingual instructional program that fall under the definition of basic education and the impact of the revised model on them; and

(iv) The extent that the disparate financial impact of the revised model on different school districts should be addressed and options for addressing it.

(e) The office of superintendent of public instruction shall report to the senate and house of representatives ways and means committees and education committees annually by December 31<sup>st</sup> of each year, through 2018, regarding any measurable changes in proficiency, time-in-program, and transitional experience.

# *Legislative & Budget Update*

Ben Rarick  
Executive Director

# Presentation Roadmap – Two Issues

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1. Overview of budget proposal.
2. Very brief overview of two legislative issues from the 2011 legislative session which are likely to re-emerge in the 2012 session.

# 2012 Session Budget Climate

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Revenue Forecast: **-\$1.5 billion?** **-\$2 billion?**

OFM has requested initial 5 percent & 10 percent reduction options from each agency.

Two Angles:

1. How does this impact SBE?
2. How does it impact the K-12 system overall?

Spreadsheet shows potential impacts to SBE.



# Emerging Legislative Issues

# 2011 Session Review – Key Issues

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## 1. Alternative Learning Experience Program Changes

- HB 2065 required OSPI to develop funding methodology achieving 15 percent reduction.
- Emergency WAC's issued by OSPI establishing 80 percent and 90 percent reduction thresholds based on contact time requirements.

## 2. Transitional Bilingual Funding Change

- Provision in 5919 allowing for re-calibration of per student allocation amounts based on language proficiency. Exit bonuses introduced.

## 2. ALE – Funding Provisions of 2065

“(b) The total aggregate statewide allocations calculated under subsections (4) through (12) of this section for full-time equivalent student enrollment in alternative learning experience programs as defined in section 2 of this act shall be reduced by fifteen percent for the 2011-12 and 2012-13 school years. The superintendent of public instruction shall determine how to implement this aggregate fifteen percent reduction among the different alternative learning experience programs. No program may receive less than a ten percent reduction and no program may receive greater than a twenty percent reduction.”

Major points:

- 15 percent total reduction.
- No program greater than a 20 percent reduction or less than a 10 percent reduction.
- OSPI to develop formula which achieves this goal, and must consider the various funding factors listed in statute (staffing levels, contact time, type of program, status of prior approval, etc) in development of the formula.

# ALE Emergency WAC's

## OSPI methodology - How to qualify for 90% vs. 80% proration

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(a) For alternative learning experience on-line programs under RCW 28A.150.262, in addition to the direct personal contact requirements specified in subsection (4) of this section, each student receives on average either:

(i) At least one hour per week of face-to-face, in-person instructional contact time from a certificated teacher during each month of reported enrollment for the student; or

(ii) At least one hour per week of synchronous digital instructional contact time from a certificated teacher during each month of reported enrollment if the student's written student learning plan includes only on-line courses as defined by RCW 28A.250.010;

# ALE Emerging Issues

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1. What does the 180 day and 1000 hour requirement mean in the ALE context?
  - What does BEA minimum guarantee in the virtual world?
2. What does a non-seat time based funding formula look like?
  - Is the future a ‘mixed model’ of virtual and bricks/mortar learning delivery models?

# 3. Transitional Bilingual Funding Changes

## Statutory and budget language implementing the changes

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### **(ESHB 5919)**

“Notwithstanding other provisions of this subsection (10), the actual per-student allocation **may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention**, as detailed in the omnibus appropriations act.”

### **(Budget proviso, Section 514)**

“The office of the superintendent of public instruction shall implement a funding model for the transitional bilingual program, beginning in school year 2012-13, that is **scaled to provide more support to students requiring most intensive intervention**, (students with beginning levels of English language proficiency) and less support to students requiring less intervention. The funding model **shall also provide up to two years of bonus funding upon successful exit from the bilingual program** to facilitate successful transition to a standard program of education.”

# TBP Funding - Emerging Issues

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1. Are students spending too long in the TBP program?  
How long is too long?
2. How does new funding structure play out in terms of “winners and losers”
  - Another hold harmless scenario?
3. Can the “exit bonuses” be considered Basic Education if they aren’t dedicated to actual TBP-qualifying students?
4. QEC required report due December 1, 2011 (Three months from now). What will it say?