
SUBSTITUTE HOUSE BILL 2209

State of Washington 62nd Legislature 2012 Regular Session

By House Education (originally sponsored by Representatives Haigh, Dammeier, Santos, Dahlquist, Probst, Maxwell, and Kenney)

READ FIRST TIME 03/31/12.

1 AN ACT Relating to addressing issues of accountability and funding
2 for alternative learning experience programs; amending RCW 28A.150.325,
3 28A.150.262, and 28A.225.225; reenacting and amending RCW 28A.150.260
4 and 28A.225.220; and providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (c) Contract-based learning programs.

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

1 applicable laws and rules, and is made in the same manner as such
2 purchases are made for students in the district's regular instructional
3 program. Items so purchased remain the property of the school district
4 upon program completion. School districts may not purchase or contract
5 for instructional or co- curricular experiences and services that are
6 included in an alternative learning experience written student learning
7 plan, including but not limited to lessons, trips, and other
8 activities, unless substantially similar experiences and services are
9 available to students enrolled in the district's regular instructional
10 program. Except when required under an individualized education
11 program for a student with disabilities or as necessary to provide
12 accommodation for a student qualifying under section 504 of the federal
13 rehabilitation act of 1973, contracts for instructional or cocurricular
14 experiences and services may not provide experiences and services for
15 a single individual alternative learning experience student, but may
16 provide experiences and services for students in a group setting.
17 School districts that purchase or contract for such experiences and
18 services for students enrolled in an alternative learning experience
19 program must submit an annual report to the office of the
20 superintendent of public instruction detailing the costs and purposes
21 of the expenditures. These requirements extend to contracted providers
22 of alternative learning experience programs, and each district shall be
23 responsible for monitoring the compliance of its providers with these
24 requirements. However, nothing in this section shall prohibit school
25 districts from contracting with online providers approved by the office
26 of the superintendent of public instruction pursuant to chapter 28A.250
27 RCW.

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

1 ~~((+5))~~ (6) Requirements for direct personal contact between a
2 teacher and a student in an alternative learning experience program may
3 be met in a group setting between the teacher and multiple students.

4 (7) Except for students whose enrollment in an alternative learning
5 experience program occurs only through enrollment in an alternative
6 learning experience online program under RCW 28A.150.262, and except
7 for students who are enrolled part-time in an alternative learning
8 experience program and part-time in a regular instructional program in
9 the same school district, all students enrolled in an alternative
10 learning experience program must receive in-person, face-to-face direct
11 personal contact with a teacher at least once a week.

12 (8) For programs where students of any grade level receive an
13 average of at least five hours of in-person, face-to-face instruction
14 per week in a physical classroom, no documentation beyond school
15 attendance records is required for the program to verify that direct
16 personal contact or instructional contact time requirements have been
17 met.

18 (9) Beginning with the 2012-13 school year and thereafter, school
19 districts shall record individual student enrollment in an alternative
20 learning experience program in the comprehensive education data and
21 research system. The office of the superintendent of public
22 instruction shall reconfigure the system to accommodate the provisions
23 of this subsection.

24 (10) The superintendent of public instruction shall adopt rules
25 defining minimum requirements and accountability for alternative
26 learning experience programs.

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

29 The purpose of this section is to provide for the allocation of
30 state funding that the legislature deems necessary to support school
31 districts in offering the minimum instructional program of basic
32 education under RCW 28A.150.220. The allocation shall be determined as
33 follows:

34 (1) The governor shall and the superintendent of public instruction
35 may recommend to the legislature a formula for the distribution of a
36 basic education instructional allocation for each common school
37 district.

1 (2) The distribution formula under this section shall be for
2 allocation purposes only. Except as may be required under chapter
3 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
4 regulations, nothing in this section requires school districts to use
5 basic education instructional funds to implement a particular
6 instructional approach or service. Nothing in this section requires
7 school districts to maintain a particular classroom teacher-to-student
8 ratio or other staff-to-student ratio or to use allocated funds to pay
9 for particular types or classifications of staff. Nothing in this
10 section entitles an individual teacher to a particular teacher planning
11 period.

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

34 (b) The total aggregate statewide allocations calculated under
35 subsections (4) through (12) of this section for full-time equivalent
36 student enrollment in alternative learning experience programs as
37 defined in RCW 28A.150.325 shall be reduced by fifteen percent for the
38 2011-12 and 2012-13 school years. Contract-based learning programs

1 shall receive a five percent reduction in the 2012-13 school year.
2 Otherwise, the superintendent of public instruction shall determine how
3 to implement this aggregate fifteen percent reduction among the
4 different alternative learning experience programs. Except for
5 contract-based learning programs, no program may receive less than a
6 ten percent reduction and no program may receive greater than a twenty
7 percent reduction. In determining how to implement the reductions
8 among the alternative learning experience programs, the superintendent
9 of public instruction must look to both how a program is currently
10 operating as well as how it has operated in the past, to the extent
11 that data is available, and must give consideration to the following
12 criteria:

13 (i) The category of program;

14 (ii) The certificated instructional staffing ratio maintained by
15 the program;

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

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

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

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

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

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

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

33 (iii) A prototypical elementary school has four hundred average
34 annual full-time equivalent students in grades kindergarten through
35 six.

36 (4)(a) The minimum allocation for each level of prototypical school
37 shall be based on the number of full-time equivalent classroom teachers
38 needed to provide instruction over the minimum required annual

1 instructional hours under RCW 28A.150.220 and provide at least one
2 teacher planning period per school day, and based on the following
3 general education average class size of full-time equivalent students
4 per teacher:

	General education average class size
8 Grades K-3	25.23
9 Grade 4	27.00
10 Grades 5-6	27.00
11 Grades 7-8	28.53
12 Grades 9-12	28.74

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

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

	Career and technical education average class size
26 Approved career and technical education offered at 27 the middle school and high school level	26.57
28 Skill center programs meeting the standards established 29 by the office of the superintendent of public 30 instruction	22.76

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

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

36 (ii) A specialty average class size for laboratory science,
37 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
Health and social services:			
School nurses	0.076	0.060	0.096
Social workers	0.042	0.006	0.015
Psychologists	0.017	0.002	0.007
Guidance counselors, a function that includes parent outreach and graduation advising	0.493	1.116	1.909
Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.936	0.700	0.652
Office support and other noninstructional aides	2.012	2.325	3.269
Custodians	1.657	1.942	2.965
Classified staff providing student and staff safety	0.079	0.092	0.141
Parent involvement coordinators	0.00	0.00	0.00

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

	Staff per 1,000 K-12 students
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under

1 subsections (4)(a) and (b) and (5) of this section and (a) of this
2 subsection.

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

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

	Per annual average full-time equivalent student in grades K-12
15 Technology	\$54.43
16 Utilities and insurance	\$147.90
17 Curriculum and textbooks	\$58.44
18 Other supplies and library materials	\$124.07
19 Instructional professional development for certified and 20 classified staff	\$9.04
21 Facilities maintenance	\$73.27
22 Security and central office	\$50.76

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

	Per annual average full-time equivalent student in grades K-12
33 Technology	\$113.80
34 Utilities and insurance	\$309.21
35 Curriculum and textbooks	\$122.17
36 Other supplies and library materials	\$259.39
37 Instructional professional development for certificated and	

1 classified staff \$18.89
2 Facilities maintenance \$153.18
3 Security and central office administration \$106.12

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

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

9 (b) Laboratory science courses for students in grades nine through
10 twelve;

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

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

15 (10) In addition to the allocations otherwise provided under this
16 section, amounts shall be provided to support the following programs
17 and services:

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

27 (b) To provide supplemental instruction and services for students
28 whose primary language is other than English, allocations shall be
29 based on the head count number of students in each school who are
30 eligible for and enrolled in the transitional bilingual instruction
31 program under RCW 28A.180.010 through 28A.180.080. The minimum
32 allocation for each level of prototypical school shall provide
33 resources to provide, on a statewide average, 4.7780 hours per week in
34 extra instruction with fifteen transitional bilingual instruction
35 program students per teacher. Notwithstanding other provisions of this
36 subsection (10), the actual per-student allocation may be scaled to
37 provide a larger allocation for students needing more intensive

1 intervention and a commensurate reduced allocation for students needing
2 less intensive intervention, as detailed in the omnibus appropriations
3 act.

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

12 (11) The allocations under subsections (4)(a) and (b), (5), (6),
13 and (8) of this section shall be enhanced as provided under RCW
14 28A.150.390 on an excess cost basis to provide supplemental
15 instructional resources for students with disabilities.

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

23 (b) Allocations or enhancements provided under subsections (4),
24 (7), and (9) of this section for exploratory and preparatory career and
25 technical education courses shall be provided only for courses approved
26 by the office of the superintendent of public instruction under chapter
27 28A.700 RCW.

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

32 (b) In the event the legislature rejects the distribution formula
33 recommended by the governor, without adopting a new distribution
34 formula, the distribution formula for the previous school year shall
35 remain in effect.

36 (c) The enrollment of any district shall be the annual average
37 number of full-time equivalent students and part-time students as
38 provided in RCW 28A.150.350, enrolled on the first school day of each

1 month, including students who are in attendance pursuant to RCW
2 28A.335.160 and 28A.225.250 who do not reside within the servicing
3 school district. The definition of full-time equivalent student shall
4 be determined by rules of the superintendent of public instruction and
5 shall be included as part of the superintendent's biennial budget
6 request. The definition shall be based on the minimum instructional
7 hour offerings required under RCW 28A.150.220. Any revision of the
8 present definition shall not take effect until approved by the house
9 ways and means committee and the senate ways and means committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (11) Requiring that each student enrolled in the program have
5 direct personal contact with a certificated teacher at least weekly
6 until the student completes the course objectives or the requirements
7 in the learning plan. Direct personal contact is for the purposes of
8 instruction, review of assignments, testing, evaluation of student
9 progress, or other learning activities. Direct personal contact may
10 include the use of telephone, e-mail, instant messaging, interactive
11 video communication, or other means of digital communication, and may
12 occur in a group setting between the teacher and multiple students;

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

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

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

36 **Sec. 4.** RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2 are
37 each reenacted and amended to read as follows:

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

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

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

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

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

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

16 (d) The purpose of the transfer is for the student to enroll in an
17 alternative learning experience online program under RCW 28A.150.262.
18 The nonresident district must notify the resident district if a
19 nonresident student drops out of the alternative learning experience
20 online program.

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

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

29 (6) Beginning with the 1993-94 school year, school districts may
30 not charge transfer fees or tuition for nonresident students enrolled
31 under subsection (3) of this section and RCW 28A.225.225.
32 Reimbursement of a high school district for cost of educating high
33 school pupils of a nonhigh school district shall not be deemed a
34 transfer fee as affecting the apportionment of current state school
35 funds.

36 **Sec. 5.** RCW 28A.225.225 and 2009 c 380 s 7 are each amended to
37 read as follows:

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

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

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

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

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

12 (a) The student's disciplinary records indicate a history of
13 convictions for offenses or crimes, violent or disruptive behavior, or
14 gang membership;

15 (b) The student has been expelled or suspended from a public school
16 for more than ten consecutive days. Any policy allowing for
17 readmission of expelled or suspended students under this subsection
18 (2)(b) must apply uniformly to both resident and nonresident
19 applicants; or

20 (c) Enrollment of a child under this section would displace a child
21 who is a resident of the district, except that if a child is admitted
22 under subsection (1) of this section, that child shall be permitted to
23 remain enrolled at that school, or in that district's kindergarten
24 through twelfth grade continuum, until he or she has completed his or
25 her schooling.

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

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

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

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

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

10 (4) A school district may enroll nonresident students in
11 alternative learning experience programs as defined in RCW 28A.150.325
12 only if the district establishes an interlocal agreement with the
13 student's district of residence which addresses, but is not limited to,
14 responsibilities for assuring compliance with compulsory attendance
15 laws, participation in statewide student assessments, and assurance of
16 provision of appropriate services for students with disabilities. The
17 agreement may apply to any nonresident alternative learning experience
18 student from the same district and need not be unique to each student.
19 A resident school district may not refuse to establish an interlocal
20 agreement with a nonresident school district for students enrolling in
21 an alternative learning experience online program under RCW 28A.150.262
22 in the nonresident district.

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

27 NEW SECTION. Sec. 6. Section 2 of this act expires July 1, 2013.

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