

FINAL BILL REPORT

SSB 5410

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Synopsis as Enacted

Brief Description: Regarding online learning.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Oemig, Morton, McAuliffe, Tom and Eide).

Senate Committee on Early Learning & K-12 Education
House Committee on Education
House Committee on Ways & Means

Background: Under current law, "digital programs" are defined as electronically delivered learning that occurs primarily away from the classroom.

The Office of Superintendent of Public Instruction (OSPI) has the authority to adopt and implement rules regarding the following:

1. defining a full-time equivalent (FTE) student or part-time student based upon the district's estimate of average weekly hours of learning activity and addressing state funding issues with regard to nonresident students so that no student is counted for more than one FTE;
2. requiring school district boards of directors to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital learning programs from its staff;
3. requiring each school district offering or contracting to offer digital programs to annually report the types of programs, course offerings, and number of participating students to OSPI;
4. requiring completion of a program self-evaluation;
5. requiring the district to provide documentation of a student's physical residence;
6. requiring certificated instructional staff to supervise, monitor, assess, and evaluate digital programs;
7. requiring school district offering digital courses to provide the ratio of certificated instructional staff to FTE student enrolled;
8. requiring reliable methods to verify a student's participation in the digital course, such as proctored exams or web cams;
9. requiring each digital student to be provided with a learning plan, such as a course syllabi;

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10. requiring districts to annually assess the educational progress of students enrolled in digital courses using the state assessment for the student's grade level and any other annual assessment required by the district, except for those receiving home-based instruction or enrolled in private school;
11. requiring students taking digital programs to have weekly direct personal contact with certificated instructional staff, such as by telephone, email, instant messaging, interactive video, or other means of digital communication;
12. requiring state-funded schools or public schools whose primary purpose is to provide digital learning programs to receive accreditation through the state or regional accreditation program;
13. requiring state-funded schools or public schools whose primary purpose is to provide digital learning programs to provide students and parents information as to whether the courses or programs cover the district's learning goals, cover the state's essential academic learning requirements, or meet the state's or district's graduation requirements; and
14. requiring districts that provide digital courses to provide parents or guardians of a student, prior to enrollment, a description of any difference between home-based education and the student's choice of enrollment option, and the parent or guardian is required to sign documentation attesting to his or her understanding of the difference, to be retained by the district.

Summary: Definitions are provided for "multidistrict online course provider," "online course," and "online school program."

OSPI is in charge of the provider approval process, website, and model agreements. Initial provider approval is for a four-year period. Annual approval decisions must be made by November 1. There is no approval fee. There is no teacher-student ratio in the approval criteria, but this information must be provided on the website. Multidistrict providers that are currently approved by the Digital Learning Commons (DLC) or accredited by the Northwest Association of Accredited Schools and meet teacher certification requirements are exempt from the initial approval process until August 31, 2012. However, these providers must still meet renewal, and other, requirements established for approved providers.

An Office of Online Learning is created within OSPI which is initially made up of staff employed by DLC to the extent that funds are available. OSPI must use the course offering component of the DLC website to the greatest extent possible. OPSI must provide technical assistance and, to the extent funds are available, online learning tools to school districts in collaboration with the Educational Service Districts and through the educational technology centers.

Various implementation timelines are set. The OSPI rule/approval criteria and process is due December 1, 2009. OSPI's initial decision on applications is due April 1, 2010. OSPI must disseminate its model policies by February 1, 2010. School districts must adopt online policies by August 31, 2010. Basic education funding is permitted for approved providers beginning in the 2011-12 school year.

The purpose of model agreements between OSPI and approved providers is clarified in that it must address standard contract terms and conditions (such as billing fees and responsibilities

of parties) in order to provide a template to assist school districts in contracting with a provider to offer programs to students in their district, if they so choose.

All online programs must be accredited by the Northwest Association of Accredited Schools or another national, regional, or state accreditation program listed by OSPI after consultation with the Washington Coalition for Online Learning.

OSPI must conduct a review of online courses and programs offered in 2008-09 to create baseline information about student enrollment, how programs are offered, contract terms and funding, fiscal impact on levy bases and levy equalization from interdistrict enrollment, staffing ratios, course completion and success rates, and other issues. OSPI must also assess funding provided for online enrollment relating to the basic education allocation, including nonemployee related costs, facility requirements, and the share of allocations between resident and serving districts. This report is due to the education and fiscal committees of the Legislature by December 1, 2009.

Votes on Final Passage:

Senate	33	15	
House	98	0	(House amended)
Senate	37	9	(Senate concurred)

Effective: July 26, 2009