

SENATE BILL REPORT

SB 5735

As of January 19, 2022

Title: An act relating to counting asynchronous instructional hours towards those required by the instructional program of basic education.

Brief Description: Counting asynchronous instructional hours towards those required by the instructional program of basic education.

Sponsors: Senators Dhingra, Kuderer, Lovick, Nobles, Wellman and Wilson, C..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/19/22.

Brief Summary of Bill

- Allows school districts to provide up to 20 percent of the instructional hours per week using asynchronous instructional hours.
- Defines asynchronous instructional hours as time during the school day that students are provided the opportunity to engage in an educational activity under the direction of school staff, but that does not include two-way interactive communication.
- Requires public schools using asynchronous instructional hours to document the methods used to determine student interaction or participation.
- Allows private schools to use asynchronous instructional hours in meeting instructional hour requirements.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Benjamin Omdal (786-7442)

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

Background: Instructional Hour and Day Requirements. School districts must meet annual minimum requirements for providing instructional hours and school days as part of the minimal instructional program of basic education. Districts must offer student a district-wide average of at least 1080 hours for students in grades 9 through 12 and a minimum of 1000 instructional hours for students in kindergarten through grade 8. School districts must also offer a minimum of 180 days of instruction each year to students in all grades.

With respect to private schools, state law provides minimum requirements that private schools must follow including, among others:

- a school year of at least 180 days; or
- the equivalent in annual minimum instructional hour offerings, with and a school-wide annual average of 1000 instructional hours for grades 1 through 12, and 450 hours for students enrolled in kindergarten.

Asynchronous Learning. The State Board of Education (SBE) issued emergency rules for the 2020-21 school year that stated the instructional hours as defined in state law were not limited to in-person educational activities. The rules stated that local education agencies could count hours students were provided the opportunity to engage in educational activity planned by and under the direction of school district staff delivered through learning modalities that were not in person. These modalities included, but were not limited to:

- distance learning;
- hybrid classrooms;
- rotating schedules; or
- other methods that allowed for delivery of basic education services during the COVID-19 epidemic.

Before the 2021-22 school year, the SBE adopted permanent rules that allow public schools to deliver instructional hours through learning modalities other than in-person instruction which may include, but are not limited to, distance learning, hybrid classrooms, rotating schedules, or other methods that allow for delivery of basic education services under certain conditions, including emergencies and due to health or safety needs of the student if agreed upon by the school district and the student.

Summary of Bill: Asynchronous Learning. School districts may provide up to 20 percent of the instructional hours per week required to meet the instructional program of basic education using asynchronous instructional hours.

Asynchronous instructional hours are defined as instructional hours that include time during the school day that students are provided the opportunity to engage in an educational activity planned by and under the direction of school district certificated staff, but where the educational activity does not include two-way interactive communication contact with school staff. These hours may include educational activities delivered through alternative modalities of instruction, including, but not limited to, distance learning.

For a school district to count asynchronous instructional hours towards the amount required under the instructional program of basic education, the district must document the methods used to determine student interaction with or student participation in the planned asynchronous activities provided by the school district. The Office of the Superintendent of Public Instruction may adopt rules to implement and monitor compliance with this documentation.

Private Schools. For private K-12 schools, instructional hour offerings may also include asynchronous instructional hours. For calculating school days, asynchronous instructional hours shall be considered in the same manner as other instructional hours.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: More flexibility in classroom instruction is needed to adjust to modern educational demands. The bill does not require remote learning, but instead allows flexibility for teachers to educate in different ways, such as mastery-based learning. Students should be able to utilize the educational setting that works best for them. This bill would allow students and teachers to have a breath of fresh air and the space to meet current requirements. Teachers would still be under contract hours so could hold office hours for students. Asynchronous learning is supported by many students as it allows for them to catch up with schoolwork.

CON: Off-site learning requires a higher level of accountability. The effect of the bill could be disastrous for students. This bill would negatively impact special education students. Asynchronous learning is not as effective as in-person instruction. The bill would lower academic learning standards in the state. Asynchronous learning has not been successful over the last two years. There is often a lack of quality in the education being provided to students when not in-person. Many students do not have the immediate supports needed to have asynchronous learning be successful. This bill is not equitable for students who have had a difficult time with asynchronous learning. It is difficult for many parents, including those in the healthcare field, to accommodate asynchronous learning. The asynchronous option should not be in place for elementary or middle school students. Our students should be receiving quality in-person education. In-person learning is important for the social and emotional health of students. At-risk children have been particularly impacted by asynchronous learning.

OTHER: Allowing school districts up to use up to 20 percent of their hours as instructional could potentially hurt an educational system that is in a perilous situation due to the

pandemic. There are ways to use current means to allow for more flexibility in instruction, including in mastery-based learning. Some parents of children with disabilities have concerns over what asynchronous learning might mean for their receipt of services from their district.

Persons Testifying: PRO: Senator Manka Dhingra, Prime Sponsor; Alexander Novokhodko; Dominic Newman, Lake Washington High School; Sagnik Sinha, Lake Washington High School; Pranav Prabu, Lake Washington High School; Ashley D'Ambrosio.

CON: Shelly Burt; Gigi Talcott; DiAnna Webber; Katelyn Shriber, Wa Coalition 4 Kids; Marina Subbaiah, Washington Coalition 4 Kids; Shannon Mayo, Wa Coalition 4 Kids; Cathryn Hawken; Voshte Gustafson, Washington Coalition for kids; Kayla Scott, WA Coalition 4 Kids; Carter Knowles, Wa Coalition 4 Kids; Stephanie Browne; Beth Daranciang.

OTHER: Liv Finne, Washington Policy Center; Rick Chisa, Public School Employees of Washington (PSE); Nasue Nishida, Washington Education Association; Jenny Plaja, Office of Superintendent of Public Instruction; Eric Warwick, The Arc of King County.

Persons Signed In To Testify But Not Testifying: No one.