

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5828

Chapter 356, Laws of 2005

59th Legislature
2005 Regular Session

DIGITAL LEARNING PROGRAMS

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 16, 2005
YEAS 41 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 12, 2005
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 10, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5828** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 10, 2005 - 9:21 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5828

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington **59th Legislature** **2005 Regular Session**

By Senate Committee on Early Learning, K-12 & Higher Education
(originally sponsored by Senators Eide, McAuliffe and Kohl-Welles)

READ FIRST TIME 02/28/05.

1 AN ACT Relating to digital or online learning; and adding new
2 sections to chapter 28A.150 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.150
5 RCW to read as follows:

6 The legislature finds that digital learning courses and programs
7 can provide students with opportunities to study subjects that may not
8 otherwise be available within the students' schools, school districts,
9 or communities. These courses can also meet the instructional needs of
10 students who have scheduling conflicts, students who learn best from
11 technology-based instructional methods, and students who have a need to
12 enroll in schools on a part-time basis. Digital learning courses can
13 also meet the needs of students and families seeking nontraditional
14 learning environments. The legislature further finds that the state
15 rules used by school districts to support some digital learning courses
16 were adopted before these types of courses were created, so the rules
17 are not well-suited to the funding and delivery of digital instruction.
18 It is the intent of the legislature to clarify the funding and delivery
19 requirements for digital learning courses.

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

3 Under RCW 28A.150.260, the superintendent of public instruction
4 shall revise the definition of a full-time equivalent student to
5 include students who receive instruction through digital programs.
6 "Digital programs" means electronically delivered learning that occurs
7 primarily away from the classroom. The superintendent of public
8 instruction has the authority to adopt rules to implement the revised
9 definition beginning with the 2005-2007 biennium for school districts
10 claiming state funding for the programs. The rules shall include but
11 not be limited to the following:

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

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

26 (3) Requiring each school district offering or contracting to offer
27 a digital program to report annually to the superintendent of public
28 instruction on the types of programs and course offerings, and number
29 of students participating;

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

31 (5) Requiring documentation of the district of the student's
32 physical residence;

33 (6) Requiring that supervision, monitoring, assessment, and
34 evaluation of the digital program be provided by certificated
35 instructional staff;

36 (7) Requiring each school district offering courses or programs to
37 identify the ratio of certificated instructional staff to full-time

1 equivalent students enrolled in such courses or programs, and to
2 include a description of their ratio as part of the reports required
3 under subsections (2) and (3) of this section;

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

9 (9) Requiring, for each student receiving instruction in a digital
10 program, a learning plan that includes a description of course
11 objectives and information on the requirements a student must meet to
12 successfully complete the program or courses. The rules shall allow
13 course syllabi and other additional information to be used to meet the
14 requirement for a learning plan;

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

26 (11) Requiring that each student enrolled in the program have
27 direct personal contact with certificated instructional staff at least
28 weekly until the student completes the course objectives or the
29 requirements in the learning plan. Direct personal contact is for the
30 purposes of instruction, review of assignments, testing, evaluation of
31 student progress, or other learning activities. Direct personal
32 contact may include the use of telephone, e-mail, instant messaging,
33 interactive video communication, or other means of digital
34 communication;

35 (12) Requiring state-funded public schools or public school
36 programs whose primary purpose is to provide digital learning programs
37 to receive accreditation through the state accreditation program or
38 through the regional accreditation program;

1 (13) Requiring state-funded public schools or public school
2 programs whose primary purpose is to provide digital learning to
3 provide information to students and parents on whether or not the
4 courses or programs: Cover one or more of the school district's
5 learning goals or of the state's essential academic learning
6 requirements or whether they permit the student to meet one or more of
7 the state's or district's graduation requirements; and

8 (14) Requiring that a school district that provides one or more
9 digital courses to a student provide the parent or guardian of the
10 student, prior to the student's enrollment, with a description of any
11 difference between home-based education as described in chapter 28A.200
12 RCW and the enrollment option selected by the student. The parent or
13 guardian shall sign documentation attesting to his or her understanding
14 of the difference and the documentation shall be retained by the
15 district and made available for audit.

Passed by the Senate April 16, 2005.

Passed by the House April 12, 2005.

Approved by the Governor May 10, 2005.

Filed in Office of Secretary of State May 10, 2005.