

---

## Education Committee

---

### SSB 5410

**Brief Description:** Regarding online learning.

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

#### Brief Summary of Substitute Bill

- Defines multi-district online course provider and requires the Superintendent of Public Instruction (SPI) to adopt criteria and a process for approving and rescinding approval of them.
- Directs the SPI, if funds are provided, to contract with the Digital Learning Commons to assist in approving multi-district online course providers, post comparative information about providers on its website, and negotiate standard agreements between school districts and providers.
- Authorizes state funding for students enrolled in online courses, beginning in the 2010-11 school year, only if the courses are offered by an approved multi-district online provider, through a school district program where fewer than 10 percent of students in the program are from other districts, or through an inter-district cooperative.
- Requires school districts to adopt policies and procedures regarding student access to online learning by the 2010-11 school year.

**Hearing Date:** 3/17/09

**Staff:** Barbara McLain (786-7383)

#### **Background:**

According to an annual survey conducted by the Office of the Superintendent of Public Instruction (OSPI), approximately 14,000 students enrolled in one or more online courses in

---

*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.*

2007-08, an increase from just over 6,000 students 2002-03. Online learning occurs in three primary ways:

1. The student is enrolled in his or her resident district and takes an online course while at school, using the school's computer lab. This may occur because the student needs to recover credits or because the course is not offered at the school.
2. The student is enrolled in his or her resident district, but takes one or more online courses from home. Sometimes the student is home-schooled for a portion of the day and enrolled in online learning offered by the school district for the other portion of the day.
3. The student takes most or all courses through online learning. The student might be enrolled in his or her resident district if that district offers a complete online learning program, or the student might enroll in another district for this purpose.

There are also three ways that online learning courses and programs are typically provided:

1. *District-run programs.* School districts such as Federal Way, Everett, Evergreen, and Spokane have long-established internet or virtual academies that offer online courses primarily, although not exclusively, to students residing in the district. There is at least one multi-district consortium in the state that operates in a similar fashion. Courses are taught by district-hired teachers, and district policies regarding award of credit or diplomas apply.
2. *Contracted programs.* School districts have broad statutory authority to contract with providers of educational services, including both non-profit and for-profit organizations. Several school districts have contracted with online learning providers to offer courses and programs. The largest of these programs are Insight Schools (contracted with Quillayute Valley School District), K12 Washington Virtual Academies (contracted primarily with Steilacoom and Monroe School Districts), Achieve Online (contracted with multiple districts), and Advanced Academics (contracted with multiple districts). Sometimes the program is provided for students residing in the district. Other programs actively target a statewide population, and students from multiple districts enroll in the contracting district to access the program.
3. *Online portals.* Some school districts access online courses through a portal service offered on a subscription basis by a third party. The Digital Learning Commons (DLC) is a non-profit organization subsidized by the state that offers school districts online learning resources including teaching resources, digital libraries, college and career planning tools, and professional development, as well as an online course catalog. The DLC does not offer the courses directly, but contracts with program providers, including district-run programs such as the Federal Way Internet Academy and Spokane Virtual Learning. Districts pay a \$6 per student subscription fee, plus additional per-course fees. However, approximately two-thirds of the DLC's total operating budget in 2008-09 comes from a state appropriation of \$1.5 million. Funding for the DLC was not included in the Governor's proposed budget for the 2009-11 biennium.

In 2005, the Legislature created a mechanism for students taking online courses away from school to be counted as enrolled in the district for purposes of state funding. The Alternative Learning Experience (ALE) rules adopted by the OSPI also apply to other types of learning that occurs away from school, but the 2005 law clarified their application particularly to online

programs (the law uses the term "digital" programs). Briefly, the ALE rules allow for a student to be considered enrolled based on the estimated weekly hours of learning contained in a Student Learning Plan that must be prepared for each student, as long as the student is found each month to be making satisfactory progress. The rules also require:

1. school district boards of directors to adopt policies and receive an annual report on their digital learning program, as well as report annually to the OSPI;
2. student supervision, monitoring, and assessment to be provided by a certificated teacher;
3. approval by the board of directors of the teacher-to-student ratios in the program;
4. weekly direct and personal contact with the teacher, which can include via telephone, voice-mail, or e-mail;
5. monthly progress reviews;
6. annual assessment of student achievement using the state assessment, unless the student is also home-schooled or attending a private school; and
7. state or regional accreditation if the program's primary purpose is digital learning.

The ALE rules comprise the primary state regulation of online learning programs.

### **Summary of Bill:**

"Multi-district online course provider" is defined as:

1. a private or non-profit organization that contracts with at least one school district or the Digital Learning Commons to provide online courses or programs to K-12 students from more than one school district; or
2. a school district that provides online courses or programs to non-resident students.

The term does not apply to a school district where fewer than 10 percent of the students enrolled in an online course or program are from other districts, or to regional programs jointly developed by more than one school district or through an inter-district cooperative with an Educational Service District (ESD). "Online course" is defined as a course delivered primarily electronically and taught primarily by a teacher from a remote location.

By November 1, 2009, the Superintendent of Public Instruction (SPI), in collaboration with the State Board of Education and with the assistance of the DLC, must develop and implement criteria and a process for approving multi-district online course providers; a process for monitoring and if necessary rescinding approval of online courses offered by a provider; and an appeals process. In developing the criteria, the SPI must consider the accreditation standards being developed for online learning programs by the Northwest Association of Accredited Schools and the International Association of K-12 Online Learning. The criteria must also include alignment with state standards, guidelines for student-to-teacher ratios, and a requirement that all teachers be certificated under Washington state law.

Initial approval of providers is for two years, and the SPI must develop a process for renewing approvals and rescinding them based on non-compliance with approval requirements. The SPI may charge providers a fee to process approval requests.

If sufficient funds are appropriated for this purpose, the SPI must contract with the DLC and the DLC must:

1. develop and maintain a website providing information for students, parents, and educators regarding online learning opportunities offered by approved multi-district online course providers. The website includes specified comparative information about the providers and the online courses offered. The DLC cannot charge a fee to access this information;
2. assist the SPI in developing and implementing the process for approving multi-district online course providers, including reviewing applications and within three months recommending whether the provider should be approved;
3. assure that any high school courses offered by a multi-district online course provider are eligible for high school credit;
4. negotiate standard agreements with approved multi-district online course providers in order to allow school districts, at their discretion, to offer the online courses or programs in their district; and
5. provide technical assistance to school districts in developing online learning programs.

Beginning in the 2010-11 school year, school districts can claim state funding for students enrolled in online learning only if the online course is:

1. offered by a an approved multi-district online course provider;
2. offered by a school district where fewer than 10 percent of the students enrolled in the online program are from other districts; or
3. offered by a regional program jointly developed by more than one district or through an inter-district cooperative with an ESD.

The SPI must establish criteria to allow online courses that have not been approved to be eligible for state funding if the course is in a subject area where no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements.

By June 1, 2010, each school district must develop policies and procedures for student access to online courses and online learning programs, including eligibility criteria, types of courses available through the district, methods the district will use to support students, course fee policies, and granting of high school credit. The SPI, in consultation with the Washington State School Directors Association, must develop and disseminate model policies and procedures by October 1, 2009, to assist school districts. School districts must submit their policies to the SPI by July 1, 2010, and by December 1, 2010, the SPI must summarize the policies and submit a report to the Legislature. The policies take effect in the 2010-11 school year.

School districts must also provide students with information regarding online courses available through the district, including those offered through the DLC. Beginning in the 2010-11 school year, online courses must be designated as such when reported through the student data system or recorded on a student transcript.

The SPI submits a report by January 15 to the State Board of Education, the Governor, and the Legislature regarding online learning. The report covers the previous school year, including student demographics, course enrollment data, course completion and passing rates, outcomes of provider approval reviews, and training provided by the DLC.

In the statute pertaining to Alternative Learning Experiences, the term "digital program" is replaced with "alternative learning experience online program" and refers to online courses

delivered to students independently from a regular classroom schedule. The bill is null and void unless funding is provided in the budget.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 2009.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, it is null and void unless funding is provided in the budget.