

Chapter 392-502 WAC

ON-LINE LEARNING—APPROVAL OF MULTIDISTRICT ON-LINE PROVIDERS

WAC

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WAC 392-502-001 Authority. The authority for these rules is chapter 34.05 RCW which authorizes the superintendent of public instruction to adopt rules regarding approval of multidistrict on-line providers.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-001, filed 12/17/09, effective 1/17/10.]

WAC 392-502-005 Purposes. The purpose of this chapter is to develop and implement criteria and processes for approving multidistrict on-line providers in order to further on-line learning opportunities for K-12 students in Washington state.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-005, filed 12/17/09, effective 1/17/10.]

WAC 392-502-010 Definitions. As used in this chapter, the term:

(1) "Multidistrict on-line provider" means:

(a) A private or nonprofit organization that enters into a contract with a school district to provide on-line courses or programs to K-12 students from more than one school district;

(b) A private or nonprofit organization or a school district that enters into contracts with multiple school districts to provide on-line courses or programs to K-12 students from those districts; or

(c) Except as provided in (c)(i) and (ii) of this subsection, a school district that provides on-line courses or programs to students who reside outside the geographic boundaries of the school district.

(i) "Multidistrict on-line provider" does not include a school district on-line learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. If, at the end of a school year, the annual average headcount for that school year of students who reside outside the geographic boundaries of a school district and are enrolled in a school district on-line program increases to ten percent or more of the total program enrollment headcount, the program shall be required to apply as a multidistrict on-line provider in the next approval cycle. The

program can continue operating the year of the required approval review, but not the following school year unless approved as a multidistrict on-line provider.

(ii) "Multidistrict on-line provider" also does not include regional on-line learning programs that are jointly developed and implemented by two or more school districts or an educational service district through an interdistrict cooperative program agreement that addresses, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students unless at the end of a school year, the annual average headcount for that school year of students who reside outside the geographic boundaries of those school districts and are enrolled in the regional on-line program increases to ten percent or more of the total program enrollment headcount, the program shall be required to apply as a multidistrict on-line provider in the next approval cycle. The program can continue operating the year of the required approval review, but not the following school year unless approved as a multidistrict on-line provider.

(2) "On-line course" means a course that:

(a) Is delivered primarily electronically using the internet or other computer-based methods; and

(b) Is taught by a teacher primarily from a remote location. Students enrolled in an on-line course may have access to the teacher synchronously, asynchronously, or both.

An on-line course may be delivered to students at school as part of the regularly scheduled school day. An on-line course also may be delivered to students, in whole or in part, independently from a regular classroom schedule, but such courses must comply with RCW 28A.150.262 and WAC 392-121-182 to qualify for state basic education funding.

(3) "On-line school program" means a school program that:

(a) Is delivered primarily electronically using the internet or other computer-based methods;

(b) Is taught by a teacher primarily from a remote location. Students enrolled in an on-line program may have access to the teacher synchronously, asynchronously, or both;

(c) Delivers a part-time or full-time sequential program; and

(d) Has an on-line component of the program with on-line lessons and tools for student and data management.

An on-line school program may be delivered to students at school as part of the regularly scheduled school day. An on-line school program also may be delivered to students, in whole or in part, independently from a regular classroom schedule, but such programs must comply with RCW 28A.150.262 and WAC 392-121-182 to qualify for state basic education funding.

(4) "Accrediting organizations" means the designated bodies identified by the superintendent of public instruction after consultation with the Washington council for on-line learning and published on the superintendent of public instruction web site. Accrediting organizations are for providers to use to satisfy the accreditation qualification for being an approved multidistrict on-line provider.

(5) "Approval" means the provider may offer courses/ programs taught by Washington certified teachers to Washington students, and districts can claim the students for basic education funding starting with the 2011-12 school year.

(6) For the purposes of this section, "primarily" is defined as more than half.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-010, filed 12/17/09, effective 1/17/10.]

WAC 392-502-011 District responsibility. By August 31, 2010, each school district board of directors shall develop policies and procedures regarding student access to on-line courses and on-line learning programs.

(1) The policies and procedures shall include, but not be limited to:

- (a) Student eligibility criteria;
- (b) The types of on-line courses available to students through the school district;
- (c) The methods districts will use to support student success, which may include a local advisor;
- (d) When the school district will and will not pay course fees and other costs;
- (e) The granting of high school credit; and
- (f) A process to make students and parents or guardians aware when a course would not be eligible for credit.

(2) School districts shall submit their policies to the superintendent of public instruction by September 15, 2010.

(3) The policies and procedures shall take effect beginning with the 2010-11 school year.

(4) School districts shall provide students with information regarding on-line courses that are available through the school district. The information shall include the types of information described in subsection (1) of this section.

(5) When developing local or regional on-line learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under WAC 392-502-030(1).

[Statutory Authority: 2009 c 542 and chapter 34.05 RCW. 10-07-142, § 392-502-011, filed 3/23/10, effective 4/23/10.]

WAC 392-502-020 Multidistrict on-line provider approval process and timeline. (1) Multidistrict on-line providers as defined in WAC 392-502-010 must complete the approval process as specified in this subsection in order to be eligible for listing as an approved multidistrict provider on the OSPI web site; and for school districts to claim state basic education funding for students enrolled in those approved multidistrict on-line courses or programs beginning in the 2011-12 school year and to the extent otherwise allowed by state law.

When questions arise whether an entity is subject to approval as a multidistrict on-line course or program provider, the final determination will be made by the superintendent

of public instruction taking into consideration the intent of the SSB 5410 legislation.

(2) The superintendent of public instruction shall make a first round of approval decisions by April 1, 2010, for those multidistrict on-line providers applying for approval. Subsequent approval decisions shall be made annually by November 1, 2010, and each subsequent year.

	Application for approval available	Application due date	Approval decisions made by
Initial Approval	December 31, 2009	January 31, 2010	April 1, 2010
Fall 2010 Approval Cycle	July 1, 2010	September 1, 2010	November 1, 2010
Subsequent Approvals	April 1	September 1	November 1

For each of the dates on the table above, the effective dates move to the subsequent business day if they fall on a holiday or weekend; all are 5:00 p.m. deadlines.

(3) Any multidistrict on-line provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before July 26, 2009, and meets the Washington state teacher certification requirements is exempt from the initial approval process until August 31, 2012, but must comply with the process for renewal of approvals and must comply with approval requirements including the approval assurances and criteria.

(4) If at the end of a given school year, the annual average headcount for that school year of students who reside outside the geographic boundaries of a school district or regional on-line learning program and are enrolled in a school district on-line program or regional on-line learning program increases to ten percent or more of the total program enrollment headcount, the program shall:

(a) Be required to seek approval in the upcoming November cycle in order to be eligible to claim state basic education funding the subsequent school year.

(b) Continue operating the year of the required review, but not the following school year unless approved as a multidistrict on-line provider.

(5) Multidistrict on-line providers seeking approval will submit an application outlined on the superintendent of public instruction web site which will be reviewed for compliance with the requested assurances and designated approval criteria and must meet or exceed the acceptable defined score.

(6) The superintendent of public instruction will notify provider applicants of the results of the review, including feedback about the assurances and criteria that were not in compliance, by April 1, 2010, for the initial round of approvals and by November 1, 2010, and each subsequent year after that.

(7) Any modifications to the conditions for approval, required assurances, approval criteria, and application forms will appear on the superintendent of public instruction web site by July 1, 2010, and April 1st each subsequent year.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-020, filed 12/17/09, effective 1/17/10.]

WAC 392-502-030 Approval assurances and criteria.

(1) In order to be approved, multidistrict on-line providers must meet the following assurances and criteria.

(a) The following required assurances include, but are not limited to:

(i) Have accreditation through an accrediting body as defined in WAC 392-502-010.

(ii) Offer courses/programs eighty percent aligned to Washington state academic standards.

(iii) Demonstrate that all teachers are certificated in accordance with chapter 181-82 WAC.

(iv) For multidistrict on-line providers that offer high school courses, the courses offered by the provider must be eligible for high school credit per WAC 180-51-050. (However, final decisions regarding the awarding of high school credit shall remain the responsibility of school districts.)

(v) Courses meet the credit/content requirements as outlined in any respective WACs.

(vi) Advanced placement courses have all been approved via the college board advanced placement course audit.

(vii) Data management systems ensure all student information remains confidential, as required by the Family Educational Rights and Privacy Act (FERPA).

(viii) Web systems meet specified accessibility conformance levels.

(ix) Provide all information as directed or as requested by the office of superintendent of public instruction, the secretary for the department of education, and other federal officials for audit, program evaluation compliance, monitoring, and other purposes and to maintain all records for the current year and three previous years.

(x) Inform the office of superintendent of public instruction in writing of any significant changes to the program including, but not limited to, changes in assurances, program description, fiscal status, or ownership.

(xi) Uphold any pertinent federal or state laws, rules or regulations, in the delivery of the on-line courses or programs.

(xii) The applicant retains responsibility for the quality of courses and content offered, regardless of any third-party contractual arrangements, partnerships or consortia, contributing to the content or delivery of the on-line courses or programs.

(xiii) Comply with the state assessment requirements.

(xiv) All career and technical education (CTE) courses are aligned to Washington state CTE program standards.

(b) The following criteria categories must be met through evidence submitted with the application at an acceptable level established by the superintendent of public instruction. Criteria shall include, but are not limited to:

(i) Course content and instructional design incorporating course goals and outcomes, materials and content organization, and student engagement.

(ii) Classroom management incorporating grading and privacy policies, internet etiquette, and expectations for communications.

(iii) Student assessment incorporating various types, frequent feedback, and appropriateness for the on-line learning environment.

(iv) Course evaluation and management incorporating strategies for obtaining feedback about the courses/programs and processes for quality assurance and updating content.

(v) Student support incorporating policies and systems to enhance the students' learning experience and their success.

(vi) Mentor support incorporating strategies and systems to allow them to support student success.

(vii) Technology elements, requirements and support including descriptions and ease of navigation.

(viii) Staff development and support including training and on-line instructor performance reviews conducted on a planned and regularly scheduled basis.

(ix) Program management including timeliness and quality of teachers' responses to students, handling of fees, prompt distribution of materials and processing of enrollments, and handling fees and payments.

(2) The approval criteria with explanations and suggested supporting evidence will be posted on the superintendent of public instruction web site by December 31, 2009, and any modifications to those will appear by July 1, 2010, and by April 1st each subsequent year after review by the on-line learning advisory committee and the state board of education.

(3) Applications will be reviewed by a committee selected by the superintendent of public instruction for their experience and expertise. The committee will be provided orientations and training to review and score the multidistrict on-line provider applications using the approval criteria and scoring protocols.

(4) When developing local or regional on-line learning programs, school districts shall incorporate the approval criteria developed by the superintendent of public instruction into the program design.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-030, filed 12/17/09, effective 1/17/10.]

WAC 392-502-040 Appeal of the superintendent's decision.

(1) Provider applicants not approved may file an appeal to the superintendent of public instruction for reconsideration within fifteen business days of notification of denial. The provider must provide specific, objective information that details the basis for their appeal.

(2) The superintendent of public instruction shall act upon the appeal and notify the applicant in writing whether the appeal was approved or denied within forty-five business days. This deadline for acting on the appeal may be extended if additional information is required from the applicant.

(3) Decisions made by the superintendent of public instruction under WAC 392-502-020 may be appealed as provided for in RCW 34.05.514.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-040, filed 12/17/09, effective 1/17/10.]

WAC 392-502-050 Approval duration and conditions for approval. Approvals will be for the four subsequent consecutive full school years.

(1) Grandfathered multidistrict on-line providers are granted their initial approval only until August 31, 2012, and must be approved in a renewal process prior to that date in order to continue offering their courses/school programs for the 2012-13 school year.

(2) Multidistrict providers that have been approved shall annually be required to provide information on the following:

- (a) On-line provider's overall instructional program;
- (b) Content of individual on-line courses and on-line school programs;
- (c) Direct link to the on-line provider's web site;
- (d) Registration information for on-line learning programs and courses;
- (e) Teacher qualifications;
- (f) Student-to-teacher ratios as defined by the superintendent of public instruction;
- (g) Course completion and pass rates as defined by the superintendent of public instruction; and
- (h) Other evaluative and comparative information requested by the superintendent of public instruction.

(3) Carry out the program/courses described in the approval application, abide by the assurances listed in WAC 392-502-030 and certified in the application process and maintain the approval criteria listed in WAC 392-502-030.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-050, filed 12/17/09, effective 1/17/10.]

WAC 392-502-060 Rescinding approvals. (1) Approved multidistrict on-line providers that fail to comply with the conditions of approval in WAC 392-502-050, may be subject to rescindment of approval.

(2) Process for rescindment.

(a) Providers will be notified when there is substantial evidence that they are not meeting one or more of the approval conditions and that rescindment is being considered. The letter shall state the specific areas of concern.

(b) The provider will be invited to submit a corrective action plan with a timeline to address the specific areas of concern.

(c) The superintendent of public instruction shall consider the corrective action plan and make a determination whether it satisfactorily addresses the specific areas of concern, whether additional actions are necessary, or the plan is substantially incomplete and the approval should be immediately rescinded. Before making this decision, the superintendent shall provide an opportunity for the multidistrict on-line provider to clarify and adjust their plan.

(d) Recognizing the serious nature of rescindment and its potential impact on students, districts and providers, the superintendent of public instruction will only rescind approvals if he or she finds that the multidistrict on-line provider is unwilling to take the necessary corrective actions to bring the courses/programs in compliance with the approval assurances and criteria. If the superintendent of public instruction determines that a multidistrict on-line provider's approval must be rescinded, the implementation of the rescindment shall, to the greatest extent possible, be timed to prevent unnecessary disruption to the education of the students.

(e) The superintendent of public instruction reserves the right to immediately rescind approval of any provider where conditions exist that jeopardize academic or fiscal integrity or compromise the health and safety of students or staff.

(3) Rescinded providers are responsible for communicating that change in status to their clients. The superintendent of public instruction will remove rescinded providers from the agency's web site.

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(4) Rescinded providers are permitted to submit for reapproval during subsequent approval application periods.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-060, filed 12/17/09, effective 1/17/10.]

WAC 392-502-070 Renewal process. (1) The approval period is four years, and the renewal process is the same as the approval process.

(2) Approved providers must initiate their renewal no later than the approval cycle in their fourth year of approved status in order to maintain approval for the following school year.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-070, filed 12/17/09, effective 1/17/10.]

WAC 392-502-080 Approval required for state funding. (1) Beginning with the 2011-12 school year, school districts may claim state basic education funding, to the extent otherwise allowed by state law, for students enrolled in on-line courses or programs only if the on-line courses or programs are:

(a) Offered by a multidistrict on-line provider approved by the superintendent of public instruction;

(b) Offered by a school district on-line learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional on-line learning program jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative or consortium program agreement in which fewer than ten percent of the program's students reside outside the school districts' geographic boundaries.

(2) Criteria shall be established by the superintendent of public instruction to allow on-line courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements. These criteria will be posted on the superintendent of public instruction web site by December 31, 2009, and any modifications to those will appear by July 1, 2010, and April 1st each subsequent year after review by the on-line learning advisory committee and the state board of education.

[Statutory Authority: 2009 c 542. 10-01-099, § 392-502-080, filed 12/17/09, effective 1/17/10.]