

# HOUSE BILL REPORT

## SSB 5828

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### As Passed House - Amended:

April 12, 2005

**Title:** An act relating to digital or online learning.

**Brief Description:** Regarding digital or online learning.

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

### Brief History:

#### Committee Activity:

Education: 3/17/05, 3/30/05 [DPA].

#### Floor Activity:

Passed House - Amended: 4/12/05, 97-0.

### Brief Summary of Substitute Bill (As Amended by House)

- Describes programmatic and funding requirements for courses offered through digital technology to students who are taking the courses outside the schoolroom walls.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

**Staff:** Susan Morrissey (786-7111).

### Background:

A number of school districts offer students the option of taking online or digital courses. Some of the courses are available to students who live in different districts or are enrolled in the school district only for the purpose of taking the online courses.

Under current law, school districts may offer alternative learning programs for students who have learning needs that can best be met outside a traditional classroom setting. Under the rules currently in place for these programs, participants must be enrolled in the programs full-time, spend at least part of their time on the school site, and have a learning plan. During an audit of the Federal Way Internet Academy, the state auditor found that the digital courses

offered by the Academy should be operated under the rules for alternative learning programs. However, the auditor also found that the district was not in compliance with some of those rules. As a result, the district faced a potential loss of funding for its internet courses. The Legislature adopted a budget proviso that permits these types of programs to continue operating until June 30, 2005. It also directed the Joint Legislative Audit and Review Committee (JLARC) to study alternative learning programs, including digital programs, and make recommendations on their operation and funding.

The JLARC reviewed digital or online courses during the first phase of its study. The JLARC found that 38 alternative learning programs, enrolling over 1,700 students, rely substantially on internet-based curriculum. Some of the programs offer classes to students who either live in different school districts, or are home-schooled for some or all of their education. The two largest programs found were those operated by the Federal Way and Evergreen School Districts. Other school district programs used electronically-mediated curriculum or courseware programs such as NovaNet or Plato.

The JLARC recommended that the Superintendent of Public Instruction (SPI) revise its rules for digital programs to waive the requirements for face-to-face contact, permit course syllabi to be used as part of a student's learning plan, and base a student full-time equivalency (FTE) on the estimated weekly hours of learning identified in a student's learning plan. The JLARC also recommended that alternative learning programs include self-evaluation components and be approved by school boards. In addition, it recommended that school districts report to the SPI on their programs annually. Finally, the JLARC suggested that either the SPI amend its rules to adopt its recommendations, or that the Legislature adopt the changes in law. By law, the SPI needs the approval of the legislative fiscal committees before it may adopt rules that change the basic education formula, so any rules that change the definition of a FTE must have the approval of the fiscal committees.

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### **Summary of Amended Bill:**

The Superintendent of Public Instruction will revise the definition of full-time equivalent student to include students taking classes through digital programs and adopt rules for the new definition. Under the rules, full-time and part-time students will be allowed to enroll in digital programs that are delivered and supervised by certificated staff. The students will have learning plans and weekly contact with certificated staff until the students complete requirements the digital courses they are taking. Course syllabi may be used to meet the learning plan requirement. The weekly contact may be in person or through e-mail and other electronic means. The students will be evaluated monthly and assessed, at least annually. Students enrolled in digital programs may not be counted as more than one full-time equivalent student.

School districts offering digital programs will adopt and annually review policies for the programs and accredit any school or program that is primarily digital. They will report annually to SPI on the types of digital programs, the courses offered, and the number of

participating students. The districts will complete program self-evaluations, document the district where each student lives, and identify the student to staff ratio in the programs. The districts will also adopt methods to verify that each student is doing his or her own work and notify parents of any difference between the educational program selected by the student and home-schooling.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (In support) Digital learning provides a valuable educational option for many students, including students who are home-schooled. This legislation clarifies the rules digital learning programs will follow. It allows part-time students to take on-line courses through digital programs, a boon to students who need specialized courses that are not available in their communities. It also allows home-schooled students to take courses while retaining their home-schooled status. It is fiscally responsible since it restricts students to a maximum of one FTE. Finally, it will solve a compliance problem faced by school districts like Federal Way.

(With concerns on substitute) The legislation should clarify the language that requires districts to explain the differences between these programs and home-schooling laws to parents and students before the student enrolls in a digital program.

**Testimony Against:** None.

**Persons Testifying:** (In support) Senator Eide, prime sponsor; Greg Williamson, Office of the Superintendent of Public Instruction; Mark Davidson, Federal Way Public Schools; Gary King, Washington Education Association; and Janice Hedin and Jill Bell, Washington Homeschool Organization.

(With concerns on substitute) DiAnna Brannan, Christian Homeschool Network.

**Persons Signed In To Testify But Not Testifying:** None.