

SENATE BILL REPORT

SHB 1423

As of March 15, 2013

Title: An act relating to online learning.

Brief Description: Providing for a single set of laws and procedures governing online learning.

Sponsors: House Committee on Education (originally sponsored by Representatives Haigh, Fagan, Seaquist, Magendanz and Hargrove).

Brief History: Passed House: 3/04/13, 95-2.

Committee Activity: Early Learning & K-12 Education: 3/15/13.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Eric Wolf (786-7405)

Background: Alternative Learning Experience (ALE) Programs. ALE programs provide a way for students to be enrolled in public education without being required to meet the in-class seat-time requirements for regular instruction. There are three primary types of ALE programs identified in statute: online learning programs; parent partnership programs that include significant participation by parents in the design and implementation of the student's learning; and contract-based learning.

Educational progress of students enrolled in ALE programs is monitored through an individualized student learning plan (SLP). Rules adopted by the Office of Superintendent of Public Instruction (OSPI) specify the content of an SLP, which must include direct personal contact with a teacher at least once a week, estimated hours per week of learning activities by the student, and monthly progress evaluations to assure that students are making satisfactory progress.

Certain practices are prohibited for ALE programs, such as providing compensation or stipends directly to parents, providing an incentive for district staff to enroll nonresident students, and purchasing curricular activities for ALE students unless substantially similar activities are available for regularly enrolled students.

Online Learning Programs. Most of the requirements regarding ALE programs are in administrative rules adopted by OSPI. However, online learning programs were first authorized in 2005 through legislation, so some of the requirements as they pertain to online

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programs appear in statute. In addition, legislation enacted in 2009 requires online learning programs offered to students from multiple school districts, either directly by a school district or under contract, to be approved by OSPI. Beginning in the 2013-14 school year, all online learning programs must be approved by OSPI.

School Choice. State law strongly encourages school districts to honor requests by students to enroll in another school district. Nonresident school districts may reject a transfer application based on student disciplinary history or financial hardship on the district.

According to OSPI, 10,275 students, representing 8433 full-time equivalent (FTE) enrollments, enrolled in online ALE programs in the 2011-12 school year. Nearly 74 percent of the FTE enrollments in online ALE programs are nonresident students enrolling in another district.

In recent years, laws pertaining to minimum staff to student ratios and school district eligibility for federal forest funds or state matching funds for school construction were amended to exclude nonresident students enrolled in ALE programs because those students usually do not have a physical presence in the district.

Summary of Bill: ALE Programs. Online courses and online school programs are removed from the statutory definition of an ALE program. Laws that prohibit certain practices for ALE programs continue to apply to online courses and online school programs, but the laws are copied into the RCW chapter dealing with online learning. A law that contains additional requirements only for online learning programs is also moved to the online learning chapter. Laws that exclude nonresident students enrolled in ALE programs for certain purposes also continue to apply to online learning programs.

Parent partnership and contract-based learning ALE programs may include online courses that are delivered by an approved provider. However, inclusion of online courses does not by itself make one of these programs an online school program.

Online Learning Courses and Programs. The definition of an online course includes that a certificated teacher is responsible for providing direct instruction, reviewing assignments, monitoring of progress, and facilitating other interactions for the student's educational program. The definition of an online school program includes courses that are facilitated rather than taught by a teacher. OSPI may not specify a minimum duration for the weekly personal contact in an online learning program.

Monthly progress evaluations for students are conducted as such:

- for students making satisfactory progress, the evaluation is based only on the student's performance on the SLP; and
- for students not making satisfactory progress, evaluation must also include a documented conference based on personal contact about what action or performance by the student is needed, plus at least one additional specified action in an intervention plan. Course content may be adapted as long as it remains aligned to state learning standards.

Online learning programs may seek a waiver from OSPI to administer the state assessments for grades three through eight on alternate days or an alternate schedule within the established testing period. The request may be denied if the proposal does not maintain adequate test security or would reduce the reliability of results by providing an inequitable advantage for some students.

References to the Washington Coalition for Online Learning are changed to the Online Learning Advisory Committee.

School Choice. A resident district must release a student wishing to enroll in another school district if the purpose is to enroll in an online learning program. The OSPI must develop a standard form to be used by all districts when releasing students to enroll in online learning programs. The OSPI must adopt rules establishing procedures for how the counting of students must be coordinated by resident and nonresident districts so that no student counts for more than one FTE.

A nonresident district may deny the transfer of a student who has repeatedly failed to comply with requirements for participation in an online learning program.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Digital learning serves students who are unable to attend school due to medical or mental health issues, allowing them to further their education in a customized environment that suits their needs unlike traditional schools. This bill separates state-approved programs in online learning from programs that are not explicitly approved by the state. Online programs are analogous to attending classes in a public school, and are not as related to other ALE programs.

Persons Testifying: PRO: Diana Stone, Deborah Woodley, Mackenzie Platt, Stephanie Stark, Jennine Trachier, Digital Public Schools Alliance; Diallah Bhanji, Public Digital School; Devorah Overbay, Stephanie Ritchie, Jayme Evans, Tammy Alonzo, Suzanne Scuderi, WA Virtual Academy; Lucinda Young, WA Education Assn.; Ron Mayberry, Federal Way Internet Academy; Carolyn Logue, K12, Inc.