

SSB 5828 - H AMD 463
By Representative Talcott

ADOPTED 04/12/2005

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

21 Under RCW 28A.150.260, the superintendent of public instruction
22 shall revise the definition of a full-time equivalent student to
23 include students who receive instruction through digital programs.
24 "Digital programs" means electronically delivered learning that occurs
25 primarily away from the classroom. The superintendent of public
26 instruction has the authority to adopt rules to implement the revised
27 definition beginning with the 2005-2007 biennium for school districts
28 claiming state funding for the programs. The rules shall include but
29 not be limited to the following:

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

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

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

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

20 (5) Requiring documentation of the district of the student's
21 physical residence;

22 (6) Requiring that supervision, monitoring, assessment, and
23 evaluation of the digital program be provided by certificated
24 instructional staff;

25 (7) Requiring each school district offering courses or programs to
26 identify the ratio of certificated instructional staff to full-time
27 equivalent students enrolled in such courses or programs, and to
28 include a description of their ratio as part of the reports required
29 under subsections (2) and (3) of this section;

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

35 (9) Requiring, for each student receiving instruction in a digital
36 program, a learning plan that includes a description of course
37 objectives and information on the requirements a student must meet to

1 successfully complete the program or courses. The rules shall allow
2 course syllabi and other additional information to be used to meet the
3 requirement for a learning plan;

4 (10) Requiring that the district assess the educational progress of
5 enrolled students at least annually, using, for full-time students, the
6 state assessment for the student's grade level and using any other
7 annual assessments required by the school district. Part-time students
8 shall also be assessed at least annually. However, part-time students
9 who are either receiving home-based instruction under chapter 28A.200
10 RCW or who are enrolled in an approved private school under chapter
11 28A.195 RCW are not required to participate in the assessments required
12 under chapter 28A.655 RCW. The rules shall address how students who
13 reside outside the geographic service area of the school district are
14 to be assessed;

15 (11) Requiring that each student enrolled in the program have
16 direct personal contact with certificated instructional staff at least
17 weekly until the student completes the course objectives or the
18 requirements in the learning plan. Direct personal contact is for the
19 purposes of instruction, review of assignments, testing, evaluation of
20 student progress, or other learning activities. Direct personal
21 contact may include the use of telephone, e-mail, instant messaging,
22 interactive video communication, or other means of digital
23 communication;

24 (12) Requiring state-funded public schools or public school
25 programs whose primary purpose is to provide digital learning programs
26 to receive accreditation through the state accreditation program or
27 through the regional accreditation program;

28 (13) Requiring state-funded public schools or public school
29 programs whose primary purpose is to provide digital learning to
30 provide information to students and parents on whether or not the
31 courses or programs: Cover one or more of the school district's
32 learning goals or of the state's essential academic learning
33 requirements or whether they permit the student to meet one or more of
34 the state's or district's graduation requirements; and

35 (14) Requiring that a school district that provides one or more
36 digital courses to a student provide the parent or guardian of the
37 student, prior to the student's enrollment, with a description of any
38 difference between home-based education as described in chapter 28A.200

1 RCW and the enrollment option selected by the student. The parent or
2 guardian shall sign documentation attesting to his or her understanding
3 of the difference and the documentation shall be retained by the
4 district and made available for audit."

5 Correct the title.

EFFECT: Clarifies funding rules to be adopted for digital programs offered by public schools. Clarifies the definitions of full-time and part-time students, contact and supervisory requirements for certificated instructional staff, and the mechanics of ensuring that students in the programs do not generate more than one FTE. Also clarifies additional responsibilities of school districts offering digital programs.

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