
HOUSE BILL 3200

State of Washington

61st Legislature

2010 Regular Session

By Representatives Hunt and Linville

1 AN ACT Relating to placing limitations on alternative learning
2 experiences in public schools; amending RCW 28A.150.262, 28A.150.305,
3 and 28A.320.035; and adding a new section to chapter 28A.150 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

7 (1) Except as provided under subsection (2) of this section,
8 beginning with the 2010-11 school year, rules adopted by the
9 superintendent of public instruction under RCW 28A.150.260 that define
10 a full-time equivalent student for state funding purposes shall not
11 permit a school district to report enrollment of students in grades
12 kindergarten through six who are enrolled either on a part-time or
13 full-time basis in alternative learning experiences. Except as
14 provided under subsection (2) of this section, alternative learning
15 experiences for students in grades kindergarten through six are not
16 considered a course of study for purposes of counting enrolled
17 students.

18 (2) Subsection (1) of this section does not apply to a student with
19 disabilities under chapter 28A.155 RCW if alternative learning

1 experiences are determined through a properly formulated individualized
2 education program to be the appropriate educational placement for the
3 student.

4 **Sec. 2.** RCW 28A.150.262 and 2009 c 542 s 9 are each amended to
5 read as follows:

6 Under RCW 28A.150.260, the superintendent of public instruction
7 shall revise the definition of a full-time equivalent student to
8 include students who receive instruction through alternative learning
9 experience online programs, but only for students enrolled in grades
10 seven through twelve or students with disabilities as described in
11 section 1(2) of this act. As used in this section, an "alternative
12 learning experience online program" is a set of online courses or an
13 online school program as defined in RCW 28A.250.010 that is delivered
14 to students in whole or in part independently from a regular classroom
15 schedule. The superintendent of public instruction has the authority
16 to adopt rules to implement the revised definition beginning with the
17 2005-2007 biennium for school districts claiming state funding for the
18 programs. The superintendent of public instruction has the authority
19 to revise the rules to include only students enrolled in grades seven
20 through twelve and students with disabilities as described in section
21 1(2) of this act beginning with the 2010-11 school year. The rules
22 shall include but not be limited to the following:

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

32 (2) Requiring the board of directors of a school district offering,
33 or contracting under RCW 28A.150.305 to offer, an alternative learning
34 experience online program to adopt and annually review written policies
35 for each program and program provider and to receive an annual report
36 on its digital alternative learning experience online programs from its
37 staff;

1 (3) Requiring each school district offering or contracting to offer
2 an alternative learning experience online program to report annually to
3 the superintendent of public instruction on the types of programs and
4 course offerings, and number of students participating;

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

6 (5) Requiring documentation of the district of the student's
7 physical residence;

8 (6) Requiring that supervision, monitoring, assessment, and
9 evaluation of the alternative learning experience online program be
10 provided by certificated instructional staff;

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

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

21 (9) Requiring, for each student receiving instruction in an
22 alternative learning experience online program, a learning plan that
23 includes a description of course objectives and information on the
24 requirements a student must meet to successfully complete the program
25 or courses. The rules shall allow course syllabi and other additional
26 information to be used to meet the requirement for a learning plan;

27 (10) Requiring that the district assess the educational progress of
28 enrolled students at least annually, using, for full-time students, the
29 state assessment for the student's grade level and using any other
30 annual assessments required by the school district. Part-time students
31 shall also be assessed at least annually. However, part-time students
32 who are either receiving home-based instruction under chapter 28A.200
33 RCW or who are enrolled in an approved private school under chapter
34 28A.195 RCW are not required to participate in the assessments required
35 under chapter 28A.655 RCW. The rules shall address how students who
36 reside outside the geographic service area of the school district are
37 to be assessed;

1 (11) Requiring that each student enrolled in the program have
2 direct personal contact with certificated instructional staff at least
3 weekly until the student completes the course objectives or the
4 requirements in the learning plan. Direct personal contact is for the
5 purposes of instruction, review of assignments, testing, evaluation of
6 student progress, or other learning activities. Direct personal
7 contact may include the use of telephone, e-mail, instant messaging,
8 interactive video communication, or other means of digital
9 communication;

10 (12) Requiring state-funded public schools or public school
11 programs whose primary purpose is to provide alternative learning
12 experience online learning programs to receive accreditation through
13 the Northwest association of accredited schools or another national,
14 regional, or state accreditation program listed by the office of the
15 superintendent of public instruction after consultation with the
16 Washington coalition for online learning;

17 (13) Requiring state-funded public schools or public school
18 programs whose primary purpose is to provide alternative learning
19 experience online learning to provide information to students and
20 parents on whether or not the courses or programs: Cover one or more
21 of the school district's learning goals or of the state's essential
22 academic learning requirements or whether they permit the student to
23 meet one or more of the state's or district's graduation requirements;
24 and

25 (14) Requiring that a school district that provides one or more
26 alternative learning experience online courses to a student provide the
27 parent or guardian of the student, prior to the student's enrollment,
28 with a description of any difference between home-based education as
29 described in chapter 28A.200 RCW and the enrollment option selected by
30 the student. The parent or guardian shall sign documentation attesting
31 to his or her understanding of the difference and the documentation
32 shall be retained by the district and made available for audit.

33 **Sec. 3.** RCW 28A.150.305 and 2002 c 291 s 1 are each amended to
34 read as follows:

35 (1) The board of directors of school districts may contract with
36 alternative educational service providers for eligible students.

1 Alternative educational service providers that the school district may
2 contract with include, but are not limited to:

3 (a) Other schools;

4 (b) Alternative education programs not operated by the school
5 district;

6 (c) Education centers;

7 (d) Skills centers;

8 (e) The Washington national guard youth challenge program;

9 (f) Dropout prevention programs; or

10 (g) Other public or private organizations, excluding sectarian or
11 religious organizations.

12 (2) Eligible students include students who are likely to be
13 expelled or who are enrolled in the school district but have been
14 suspended, are academically at risk, or who have been subject to
15 repeated disciplinary actions due to behavioral problems. Beginning
16 with the 2010-11 school year, eligible students do not include students
17 enrolled in grades kindergarten through six for purposes of an
18 alternative learning experience, except for students with disabilities
19 as described in section 1(2) of this act if the contractor is an agency
20 approved under RCW 28A.155.060.

21 (3) If a school district board of directors chooses to initiate
22 specialized programs for students at risk of expulsion or who are
23 failing academically by contracting out with alternative educational
24 service providers identified in subsection (1) of this section, the
25 school district board of directors and the organization must specify
26 the specific learning standards that students are expected to achieve.
27 Placement of the student shall be jointly determined by the school
28 district, the student's parent or legal guardian, and the alternative
29 educational service provider.

30 (4) For the purpose of this section, the superintendent of public
31 instruction shall adopt rules for reporting and documenting enrollment.
32 Students may reenter at the grade level appropriate to the student's
33 ability. Students who are sixteen years of age or older may take the
34 GED test.

35 (5) The board of directors of school districts may require that
36 students who would otherwise be suspended or expelled attend schools or
37 programs listed in subsection (1) of this section as a condition of
38 continued enrollment in the school district.

1 **Sec. 4.** RCW 28A.320.035 and 1997 c 267 s 1 are each amended to
2 read as follows:

3 (1) The board of directors of a school district may contract with
4 other school districts, educational service districts, public or
5 private organizations, agencies, schools, or individuals to implement
6 the board's powers and duties. The board of directors of a school
7 district may contract for goods and services, including but not limited
8 to contracts for goods and services as specifically authorized in
9 statute or rule, as well as other educational, instructional, and
10 specialized services. When a school district board of directors
11 contracts for educational, instructional, or specialized services, the
12 purpose of the contract must be to improve student learning or
13 achievement.

14 (2) A contract under (~~subsection (1) of~~) this section may not be
15 made with a religious or sectarian organization or school where the
16 contract would violate the state or federal Constitution.

17 (3) Beginning with the 2010-11 school year, a contract under this
18 section may not be made to provide alternative learning experiences for
19 students enrolled in grades kindergarten through six, except for
20 students with disabilities as described in of section 1(2) of this act
21 if the contractor is an agency approved under RCW 28A.155.060.

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