

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5828**

59th Legislature  
2005 Regular Session

Passed by the Senate April 16, 2005  
YEAS 41 NAYS 0

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**President of the Senate**

Passed by the House April 12, 2005  
YEAS 97 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5828** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5828**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

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

READ FIRST TIME 02/28/05.

1            AN ACT Relating to digital or online learning; and adding new  
2 sections to chapter 28A.150 RCW.

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

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

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

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

3        Under RCW 28A.150.260, the superintendent of public instruction  
4    shall revise the definition of a full-time equivalent student to  
5    include students who receive instruction through digital programs.  
6    "Digital programs" means electronically delivered learning that occurs  
7    primarily away from the classroom.    The superintendent of public  
8    instruction has the authority to adopt rules to implement the revised  
9    definition beginning with the 2005-2007 biennium for school districts  
10   claiming state funding for the programs.    The rules shall include but  
11   not be limited to the following:

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

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

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

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

31        (5) Requiring documentation of the district of the student's  
32   physical residence;

33        (6) Requiring that supervision, monitoring, assessment, and  
34   evaluation of the digital program be provided by certificated  
35   instructional staff;

36        (7) Requiring each school district offering courses or programs to  
37   identify the ratio of certificated instructional staff to full-time

1 equivalent students enrolled in such courses or programs, and to  
2 include a description of their ratio as part of the reports required  
3 under subsections (2) and (3) of this section;

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

9 (9) Requiring, for each student receiving instruction in a digital  
10 program, a learning plan that includes a description of course  
11 objectives and information on the requirements a student must meet to  
12 successfully complete the program or courses. The rules shall allow  
13 course syllabi and other additional information to be used to meet the  
14 requirement for a learning plan;

15 (10) Requiring that the district assess the educational progress of  
16 enrolled students at least annually, using, for full-time students, the  
17 state assessment for the student's grade level and using any other  
18 annual assessments required by the school district. Part-time students  
19 shall also be assessed at least annually. However, part-time students  
20 who are either receiving home-based instruction under chapter 28A.200  
21 RCW or who are enrolled in an approved private school under chapter  
22 28A.195 RCW are not required to participate in the assessments required  
23 under chapter 28A.655 RCW. The rules shall address how students who  
24 reside outside the geographic service area of the school district are  
25 to be assessed;

26 (11) Requiring that each student enrolled in the program have  
27 direct personal contact with certificated instructional staff at least  
28 weekly until the student completes the course objectives or the  
29 requirements in the learning plan. Direct personal contact is for the  
30 purposes of instruction, review of assignments, testing, evaluation of  
31 student progress, or other learning activities. Direct personal  
32 contact may include the use of telephone, e-mail, instant messaging,  
33 interactive video communication, or other means of digital  
34 communication;

35 (12) Requiring state-funded public schools or public school  
36 programs whose primary purpose is to provide digital learning programs  
37 to receive accreditation through the state accreditation program or  
38 through the regional accreditation program;

1           (13) Requiring state-funded public schools or public school  
2 programs whose primary purpose is to provide digital learning to  
3 provide information to students and parents on whether or not the  
4 courses or programs: Cover one or more of the school district's  
5 learning goals or of the state's essential academic learning  
6 requirements or whether they permit the student to meet one or more of  
7 the state's or district's graduation requirements; and

8           (14) Requiring that a school district that provides one or more  
9 digital courses to a student provide the parent or guardian of the  
10 student, prior to the student's enrollment, with a description of any  
11 difference between home-based education as described in chapter 28A.200  
12 RCW and the enrollment option selected by the student. The parent or  
13 guardian shall sign documentation attesting to his or her understanding  
14 of the difference and the documentation shall be retained by the  
15 district and made available for audit.

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