
SUBSTITUTE SENATE BILL 5142

State of Washington

62nd Legislature

2011 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Stevens, Hargrove, Nelson, Shin, Pflug, Sheldon, King, and Roach)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to alternative learning experiences; amending RCW
2 28A.320.092 and 28A.150.262; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that alternative
5 learning experiences are individual courses for public school students
6 that are detailed in a written student learning plan supervised and
7 monitored by a certificated public school teacher but primarily occur
8 away from the regular public school classroom setting. The legislature
9 further finds that although alternative learning experiences are
10 similar to home-based instruction in that both are characterized by
11 learning that occurs away from school, alternative learning experiences
12 are not home-based instruction. The legislature further finds that
13 home-based students may enroll part-time in public school classes and
14 programs, including alternative learning experiences. The legislature
15 further finds that if a student is enrolled full-time in alternative
16 learning experiences, the student is not a home-based student, even if
17 all the instruction is provided by a parent.

1 **Sec. 2.** RCW 28A.320.092 and 2009 c 190 s 1 are each amended to
2 read as follows:

3 (1) School districts are prohibited from advertising, marketing,
4 and otherwise providing unsolicited information about learning programs
5 offered by the school district, including but not limited to digital
6 learning programs, part-time enrollment opportunities, and other
7 alternative learning programs, to students and their parents who have
8 filed a declaration of intent to cause a child to receive home-based
9 instruction under RCW 28A.200.010. School districts may respond to
10 requests for information that are initiated by a parent. This section
11 does not apply to general mailings or newsletters sent by the school
12 district to all households in the district.

13 (2) School districts are prohibited from advertising or marketing
14 full-time enrollment in an alternative learning experience as being a
15 home-based instruction program. Any student who is enrolled as a full-
16 time student in alternative learning experiences is a full-time public
17 school student. Any student who is enrolled as a part-time student in
18 alternative learning experiences is a part-time public school student
19 for the actual hours in which he or she is participating in the
20 program.

21 **Sec. 3.** RCW 28A.150.262 and 2009 c 542 s 9 are each amended to
22 read as follows:

23 Under RCW 28A.150.260, the superintendent of public instruction
24 shall revise the definition of a full-time equivalent student to
25 include students who receive instruction through alternative learning
26 experience online programs. As used in this section, an "alternative
27 learning experience online program" is a set of online courses or an
28 online school program as defined in RCW 28A.250.010 that is delivered
29 to students in whole or in part independently from a regular classroom
30 schedule. The superintendent of public instruction has the authority
31 to adopt rules to implement the revised definition beginning with the
32 2005-2007 biennium for school districts claiming state funding for the
33 programs. The rules shall include but not be limited to the following:

34 (1) Defining a full-time equivalent student under RCW 28A.150.260
35 or part-time student under RCW 28A.150.350 based upon the district's
36 estimated average weekly hours of learning activity as identified in
37 the student's learning plan, as long as the student is found, through

1 monthly evaluation, to be making satisfactory progress; the rules shall
2 require districts providing programs under this section to nonresident
3 students to establish procedures that address, at a minimum, the
4 coordination of student counting for state funding so that no student
5 is counted for more than one full-time equivalent in the aggregate;

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

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

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

17 (5) Requiring documentation of the district of the student's
18 physical residence;

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

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

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

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

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

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

21 (12) Requiring state-funded public schools or public school
22 programs whose primary purpose is to provide alternative learning
23 experience online learning programs to receive accreditation through
24 the Northwest association of accredited schools or another national,
25 regional, or state accreditation program listed by the office of the
26 superintendent of public instruction after consultation with the
27 Washington coalition for online learning;

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

36 (14) Requiring that a school district that provides one or more
37 alternative learning experience (~~online~~) courses to a student provide
38 the parent or guardian of the student, prior to the student's

1 enrollment, with a description of any difference between home-based
2 education as described in chapter 28A.200 RCW and the enrollment option
3 selected by the student. The parent or guardian shall sign
4 documentation attesting to his or her understanding of the difference
5 and the documentation shall be retained by the district and made
6 available for audit.

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