

HOUSE BILL REPORT

ESHB 1633

As Passed House:

March 8, 2005

Title: An act relating to digital learning programs.

Brief Description: Establishing procedural requirements for digital learning programs.

Sponsors: By House Committee on Education (originally sponsored by Representatives Talcott, Hunter, Priest, Anderson, Tom, Haigh, Curtis, Buri, McDonald, Serben, Nixon, Quall, Cox, Schual-Berke, Rodne, Shabro, Hinkle, Alexander, Woods, Miloscia, Haler, Armstrong, Holmquist, Skinner and Clibborn).

Brief History:

Committee Activity:

Education: 2/14/05, 2/15/05 [DPS];

Appropriations: 2/24/05, 2/28/05 [DPS(ED)].

Floor Activity:

Passed House: 3/8/05, 98-0.

Brief Summary of Engrossed Substitute Bill

- Describes programmatic and funding requirements for courses offered through digital technology to students who are taking the courses outside the schoolroom walls.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

Staff: Susan Morrissey (786-7111).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 28 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Bailey, Buri, Clements,

Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Denise Graham (786-7137).

Background:

A number of school districts offer students the option of taking online or digital courses. Some of the courses are available to students who live in different districts or are enrolled in the school district only for the purpose of taking the online courses. Federal Way Internet Academy (Academy), which has one of largest programs of online or digital instruction offered in the state, permits students who live in different districts or who are home-schooled for some or all of their education, to enroll in the Academy's online courses.

Under current law, school districts may offer alternative learning programs for students who have learning needs that can best be met outside a traditional classroom setting. Under the rules currently in place for these programs, participants must be enrolled in the programs full-time, spend at least part of their time on the school site, and have a learning plan. During an audit of the Federal Way Internet Academy, the state auditor found that the digital courses offered by the Academy should be operated under the rules for alternative learning programs. However, the auditor also found that the district was not in compliance with some of those rules. As a result, the district faced a potential loss of funding for its internet courses. The Legislature adopted a budget proviso that permits these types of programs to continue operating until June 30, 2005. It also directed the Joint Legislative Audit and Review Committee (JLARC) to study alternative learning programs, including digital programs, and make recommendations on their operation and funding.

The JLARC reviewed digital or online courses during the first phase of its study. The JLARC found that 38 alternative learning programs, enrolling over 1,700 students, rely substantially on internet-based curriculum. The two largest programs found were those operated by the Federal Way and Evergreen School Districts. Other programs used electronically-mediated curriculum or courseware programs such as NovaNet or Plato.

The JLARC recommended that the Superintendent of Public Instruction (SPI) revise its rules for digital programs to waive the requirements for face-to-face contact, permit course syllabi to be used as part of a student's learning plan, and base a student full-time equivalency (FTE) on the estimated weekly hours of learning identified in a student's learning plan. The JLARC also recommended that alternative learning programs include self-evaluation components and be approved by school boards. In addition, it recommended that school districts report to the SPI on their programs annually. Finally, the Committee suggested that either SPI amend its rules to adopt its recommendations, or that the Legislature adopt the changes in law. By law, the SPI needs the approval of the legislative fiscal committees before it may adopt rules that change the basic education formula, so any rules that change the definition of an FTE must have the approval of the fiscal committees.

Summary of Engrossed Substitute Bill:

School districts may offer digital learning programs for full-time and part-time students. The districts will periodically review written policies for the programs, formally approve programs that rely on digital curriculum, receive an annual report from staff on the programs, and institute reliable methods to verify that the student is doing his or her own work. The districts will also grant credit to students who demonstrate that they have learned the course material, complete course evaluation requirements adopted by the SPI, report annually on their digital programs to the SPI, and periodically complete a self-evaluation process to assess the impact of the programs on student learning and achievement.

Digital learning courses must provide each student with direct personal contact with certificated staff. Contact may occur through the telephone, e-mail, instant massaging, and interactive computer or video communication. The students will also receive a description of course objectives, information on the ways the courses meet the district's learning goals, and an assessment of student progress, at least annually. Full-time students will take all required state and district assessments. Part-time students who are home-schooled or enrolled in private schools are not required to take the Washington Assessment of Student Learning (WASL).

School districts that provide digital courses to home-schooled students, before enrolling the students, will provide the student's parents with a description of any differences between home-based instruction and the option selected by the student. The parents must sign documentation demonstrating their understanding of these differences. The documentation must be retained by the district and be available for audit.

The SPI will adopt rules for digital programs. Funding will be based on the learning activities specified in the digital course objectives, including the estimated average weekly hours spent by each student in a digital program.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Education) Online and digital courses provide a wonderful educational option for students with a variety of learning needs. For example, they can bring upper level math and science courses to students who live in remote areas or who are enrolled in schools that can't offer courses of that type. They have revolutionized education for blind students, for whom digital instruction may be as significant a development as Braille. They also provide instruction in a medium that is second nature to this generation of students. This legislation helps bring clarity to the programmatic and funding requirements for digital learning courses and programs. It includes provisions that address the concerns raised by the state auditor. It also addresses the issues raised by the JLARC.

(Concerns with substitute) The student verification and assessment requirements in the bill may need to be refined. A dramatic expansion of these courses could significantly change the

way education is delivered. Teachers need to be trained in ways to effectively deliver digital instruction and certification should be developed for teachers in these courses.

Testimony For: (Appropriations) This bill improves the policy from last year's bill by incorporating recommendations made in the JLARC study. It includes increased accountability measures. It offers clarity for auditors and districts. The substitute bill addresses concerns raised in the policy committee.

Testimony Against: (Education) None

Testimony Against: (Appropriations) None.

Persons Testifying: (Education) (In support) Representative Talcott, prime sponsor; Greg Williamson and Martin Mueller, Office of the Superintendent of Public Instruction; Jill Bell, Washington Homeschool Organization; DiAnna Brannan, Christian Homeschool Network; Dean Stenehjem, Washington School for the Blind; and Mark Davidson, Federal Way Public Schools.

(With concerns) Gary King, Washington Education Association.

Persons Testifying: (Appropriations) Representative Talcott, prime sponsor; Gary King, Washington Education Association; and Martin Mueller, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: (Education) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.