

SENATE BILL REPORT

SB 5828

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, February 25, 2005

Title: An act relating to digital or online learning.

Brief Description: Regarding digital or online learning.

Sponsors: Senators Eide, McAuliffe and Kohl-Welles.

Brief History:

Committee Activity: Early Learning, K-12 & Higher Education: 2/18/05, 2/25/05 [DPS].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: That Substitute Senate Bill No. 5828 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Berkey, Delvin, Eide, Kohl-Welles, Mulliken, Rasmussen, Rockefeller, Schoesler and Shin.

Staff: Ingrid Mungia (786-7423)

Background: Under current Washington rules, an alternative learning experience (ALE) is an individualized course of study that is primarily distinguished by off-campus instruction, that can be claimed by school districts as a course of study for full basic funding. The intent of this type of program is to give school district flexibility to serve a diverse student population, including students considered to be "at risk," non-traditional or self-directed learners, distant learners, and students who receive some of their instruction at home. Currently, there is no requirement for school districts to separately report to the Office of Superintendent of Public Instruction (OSPI) on the number or type of ALE programs they operate, or the number of students enrolled.

ALE programs are a creation of administrative rule rather than statute. The rules are considered fiscal rules and were promulgated by the OSPI as part of a series of rules on how to apportion state Basic Education funding. Statute requires that any revision to the current definition cannot take effect until approved by the House and the Senate fiscal committees. OSPI sought approval for its proposed rule changes in 2002, but the request was not acted upon.

A particular type of ALE is a program that focuses on online or digital curriculum. Digital or online learning programs can encompass a broad range of educational activities. Digital learning includes instruction and content delivered via various digital technologies, such as online or CD-ROM, or general learning experiences that involve the use of computers. The term on-line learning is more specific in that it generally refers to instruction and content that

is delivered primarily via the internet. Schools that focus on this type of education may be referred to by such terms as internet, online, virtual or cyber schools.

Summary of Substitute Bill: The Superintendent of Public Instruction must revise the definition of a full-time equivalent student to include students who receive instruction through digital or online programs. The Superintendent must also adopt rules to implement the revised definition. The rules pertaining to digital or online learning programs must include, but are not limited to, the following requirements:

- define a full-time or part-time equivalent student;
- adopt and annually review written policies for each program and provider;
- report programs to OSPI annually;
- document student's physical residence;
- certified instructional staff must supervise, monitor, assess and evaluate the programs;
- comply with classroom staffing ratios;
- develop learning plans for each student in the program;
- document the weekly hours by each student in the program;
- assess the educational progress of enrolled students;
- direct weekly personal contact between students and staff;
- accredit schools whose primary purpose is to provide digital or online learning;
- align digital or online learning with the state essential academic learning requirements; and
- Inform student's parents who are home schooled of any difference between home-based education and digital or online program selected by the student.

Substitute Bill Compared to Original Bill: The substitute language modifies some of the rules the Superintendent must adopt, including, but not limited to:

- Language regarding classroom staffing ratios as currently established in law.
- Course syllabi and other additional information can be used to meet the requirements for student learning plans.
- Student's documented weekly hours of learning activity can be an estimated weekly average of learning activity as long as a student is found to be making satisfactory progress through monthly evaluations.
- OSPI will address how students are assessed who live outside the area, where they take the test and which schools will report the student's results.
- Clarifies that schools offering digital or online learning programs are state funded public schools and state funded public school programs.
- Parents or guardians of home school students taking on-line learning classes are provided a description of any difference between home-based education and the enrollment option selected by the student. The parent or guardian must sign documentation stating their understanding of the difference.

Appropriation: None.

Fiscal Note: Requested on February 10, 2005.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is an important bill to keep moving forward. This is a valuable program for children across the state. Federal Way currently coordinates with other school districts to serve other students. The current course material is based on state standards and all teachers are certified to teach. This program serves students in many different circumstances. This bill has the potential to improve the quality of learning and instruction and meet the educational needs of students that regular schools cannot. The bill gives additional clarity in rules for on-line learning. It is important to make a distinction between home school and on-line learning.

Testimony Against: None.

Other: There are unintended consequences for home school students. This program creates lots of confusion. There needs to be full disclosure to home schoolers in the school system. There is a concern that these programs become profit centers and it shouldn't overflow to on-line programs. Instructors for the program should be Washington state certified. There need to also be a mechanism to gage appropriate contact between students and teachers with personal voice and fac to face contact.

Who Testified: PRO: Senator Eide, prime sponsor; Greg Williamson, OSPI; Tom Murphy, Federal Way Public Schools; Jan Bleek, Federal Way Public Schools. OTHER: DiAnna Brannan, Christian Homeschool Network; Gary King, WEA.