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**SUBSTITUTE HOUSE BILL 1633**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**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)

READ FIRST TIME 02/18/05.

1 AN ACT Relating to digital learning programs; and adding a new  
2 section 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 (1) The legislature finds that digital learning courses and  
7 programs can provide students with opportunities to study subjects that  
8 may not otherwise be available within the students' schools, school  
9 districts, or communities. These courses can also meet the  
10 instructional needs of students who have scheduling conflicts, students  
11 who learn best from technology-based instructional methods, and  
12 students who have a need to enroll in schools on a part-time basis.  
13 Digital learning courses can also meet the needs of students and  
14 families seeking nontraditional learning environments. The legislature  
15 further finds that the state rules used by school districts to support  
16 some digital learning courses were adopted before these types of  
17 courses were created, so the rules are not well-suited to the delivery  
18 of online instruction. As a result, at least one school district has  
19 received an audit exception for the way the district operated and

1 accounted for its digital learning courses. It is the intent of the  
2 legislature to clarify the requirements for digital learning courses  
3 and to give school districts and the auditors a common set of  
4 guidelines for their delivery and funding.

5 (2) The board of directors of a school district may operate digital  
6 learning programs for eligible full-time students, or eligible part-  
7 time students who meet the provisions of RCW 28A.150.350. The board of  
8 directors may also provide such programs through contract to the extent  
9 permitted under RCW 28A.150.305. The board of directors of a school  
10 district claiming state funding for digital learning programs shall:

11 (a) Adopt and periodically review written policies for such  
12 programs;

13 (b) Formally approve programs that rely primarily on digital  
14 curriculum;

15 (c) Require that individual courses offered primarily through  
16 digital curriculum be approved by a designated school district  
17 official;

18 (d) Receive an annual report on its digital learning programs from  
19 its staff. The report should include, at a minimum, information  
20 included in guidelines provided by the superintendent of public  
21 instruction;

22 (e) Institute reliable methods to verify a student is doing his or  
23 her own work. The methods may include proctored examinations or  
24 projects, including the use of web cams or other technologies.  
25 "Proctored" means directly monitored by an adult authorized by the  
26 school district;

27 (f) Grant credit to a student who successfully demonstrates,  
28 through examination, project completion, or other performance-based  
29 methods instead of counting contact hours, that the student has  
30 successfully completed a course;

31 (g) Complete any program evaluation requirement adopted by the  
32 superintendent of public instruction under subsection (5)(d) of this  
33 section;

34 (h) Report annually to the superintendent of public instruction on  
35 the number of its digital learning programs and courses and the number  
36 of students enrolled in the programs or courses;

37 (i) Define a full-time equivalent student under RCW 28A.150.260 and

1 a part-time student under RCW 28A.150.350 based upon the district's  
2 estimated average weekly hours; and

3 (j) Periodically complete a self-evaluation component designed to  
4 objectively measure the effectiveness of the programs, including the  
5 impact of the courses on student learning and achievement.

6 (3) Digital learning courses must provide each student with:

7 (a) Direct personal contact with certificated staff designated by  
8 either the school district or by the contractor with the approval of  
9 the school district. Direct personal contact is for the purposes of  
10 instruction, assignment review, testing, evaluation of student  
11 progress, or other learning activities. Direct personal contact may  
12 include the use of telephone, e-mail, instant messaging, interactive  
13 computer, or interactive video communication;

14 (b) A description of course objectives monitored by certificated  
15 staff, including information on the requirements a student must meet to  
16 successfully complete the programs or courses;

17 (c) Information on the ways the courses or programs meet the school  
18 district's learning goals and, for high school courses, whether and how  
19 the courses meet state and district graduation requirements; and

20 (d) An assessment of each student's progress at least annually  
21 using, for full-time students, the state assessment for the student's  
22 grade level and any other annual assessment required by the school  
23 district. Part-time students shall also be assessed at least annually.  
24 Part-time students who are either receiving home-based instruction  
25 under chapter 28A.200 RCW or who are enrolled in an approved private  
26 school under chapter 28A.195 RCW are not required to participate in the  
27 state assessments required under chapter 28A.655 RCW.

28 (4) A school district that provides one or more digital courses to  
29 a student who is receiving home-based instruction under chapter 28A.200  
30 RCW shall provide the parent or guardian of the student with a  
31 description of any difference between home-based education and the  
32 enrollment option selected by the student. The parent or guardian  
33 shall sign documentation attesting to his or her understanding of the  
34 difference and the documentation shall be retained by the district and  
35 made available for audit.

36 (5) The office of the superintendent of public instruction shall  
37 adopt rules for the implementation of this section, including program

1 implementation standards and enrollment documentation and reporting as  
2 follows:

3 (a) Each school district shall receive apportionment generated in  
4 accordance with this chapter based upon the student full-time  
5 equivalent enrollment reported for this program;

6 (b) For funding purposes, enrollment shall be determined based upon  
7 the learning activities specified in the digital course objectives,  
8 including the estimated average weekly hours spent by each individual  
9 student participating in a digital program; and

10 (c) Enrollment of part-time students shall be subject to the  
11 provisions of RCW 28A.150.350, and shall generate the pro rata share of  
12 full-time funding.

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