
SUBSTITUTE SENATE BILL 5828

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 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 Under RCW 28A.150.260, the superintendent of public instruction
7 shall revise the definition of a full-time equivalent student to
8 include students who receive instruction through digital or online
9 programs. Digital or online programs mean electronically delivered
10 learning that occurs primarily away from the classroom. The
11 superintendent of public instruction has the authority to adopt rules
12 to implement the revised definition beginning with the 2005-2007
13 biennium. The rules shall include but not be limited to the following:

14 (1) Defining a full-time equivalent student under RCW 28A.150.260
15 or part-time student under RCW 28A.150.350 based upon the district's
16 estimated average weekly hours under subsection (8) of this section.
17 The rules shall require districts providing programs under this section
18 to nonresident students to obtain a release under RCW 28A.225.225 or
19 enter into an interdistrict agreement with the resident district, which

1 agreement addresses at a minimum the coordination of student counting
2 for state funding so that no student is counted for more than one full-
3 time equivalent in the aggregate;

4 (2) Requiring the board of directors of a school district offering
5 a digital or online program to adopt and annually review written
6 policies for each program and program provider;

7 (3) Requiring each school district offering a digital or online
8 program to report annually to the superintendent of public instruction
9 on the types of programs and course offerings, and number of students
10 participating;

11 (4) Requiring documentation of the district of the student's
12 physical residence;

13 (5) Requiring that supervision, monitoring, assessment, and
14 evaluation of the digital or online program be provided by certificated
15 instructional staff;

16 (6) Requiring compliance with the classroom staffing ratios
17 comparable to that provided in the district's overall classroom
18 staffing ratio and requiring documentation of that compliance;

19 (7) Requiring a learning plan for each student receiving
20 instruction in a digital or online program. The rules shall allow
21 course syllabi and other additional information to be used to meet the
22 requirement for a learning plan;

23 (8) Requiring that, for appropriate digital and online programs,
24 full-time equivalency be based on the estimated weekly average hours of
25 learning activity identified in the learning plan as long as a student
26 is found, through monthly evaluation, to be making satisfactory
27 progress;

28 (9) Requiring that the district assess the educational progress of
29 enrolled students at least annually, using, for full-time students, the
30 state assessment for the student's grade level and using any other
31 annual assessments required by the school district. Part-time students
32 shall also be assessed at least annually. However, part-time students
33 who are either receiving home-based instruction under chapter 28A.200
34 RCW or who are enrolled in an approved private school under chapter
35 28A.195 RCW are not required to participate in the assessments required
36 under chapter 28A.655 RCW. The rules shall address how students who
37 reside outside the geographic service area of the school district are
38 to be assessed;

- 1 (10) Requiring that each student enrolled in the program have
2 direct personal contact with certificated instructional staff at least
3 weekly. Direct personal contact is for the purposes of instruction,
4 review of assignments, testing, evaluation of student progress, or
5 other learning activities. Direct personal contact may include the use
6 of telephone, e-mail, instant messaging, interactive video
7 communication, or other means of digital communication;
- 8 (11) Requiring any public schools whose primary purpose is to
9 provide digital or online learning programs to receive accreditation
10 through the state accreditation program or through the regional
11 accreditation program;
- 12 (12) Requiring state-funded public schools or public school
13 programs whose primary purpose is to provide digital or online learning
14 to offer only courses aligned with the state essential academic
15 learning requirements; and
- 16 (13) Requiring that a school district that provides one or more
17 digital courses to a student who is receiving home-based instruction
18 under chapter 28A.200 RCW shall provide the parent or guardian of the
19 student with a description of any difference between home-based
20 education and the enrollment option selected by the student. The
21 parent or guardian shall sign documentation attesting to his or her
22 understanding of the difference and the documentation shall be retained
23 by the district and made available for audit.

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