

SSB 5410 - H AMD 696

By Representatives Maxwell, Hunter, Priest

ADOPTED AS AMENDED 04/15/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that online
4 learning provides tremendous opportunities for students to access
5 curriculum, courses, and a unique learning environment that might not
6 otherwise be available. The legislature supports and encourages online
7 learning opportunities.

8 (2) However, the legislature also finds that there is a need to
9 assure quality in online learning, both for the programs and the
10 administration of those programs. The legislature is the steward of
11 public funds that support students enrolled in online learning and must
12 ensure an appropriate accountability system at the state level.

13 (3) Therefore, the legislature intends to take a first step in
14 improving oversight and quality assurance of online learning programs,
15 and intends to examine possible additional steps that may need to be
16 taken to improve financial accountability.

17 (4) The first step in improving quality assurance is to:

18 (a) Provide objective information to students, parents, and
19 educators regarding available online learning opportunities, including
20 program and course content, how to register for programs and courses,
21 teacher qualifications, student-to-teacher ratios, prior course
22 completion rates, and other evaluative information;

23 (b) Create an approval process for multidistrict online providers;

24 (c) Enhance statewide equity of student access to high quality
25 online learning opportunities; and

26 (d) Require school district boards of directors to develop policies
27 and procedures for student access to online learning opportunities.

28 NEW SECTION. **Sec. 2.** The definitions in this section apply
29 throughout this chapter unless the context clearly requires otherwise.

1 (1)(a) "Multidistrict online provider" means:

2 (i) A private or nonprofit organization that enters into a contract
3 with a school district to provide online courses or programs to K-12
4 students from more than one school district;

5 (ii) A private or nonprofit organization that enters into contracts
6 with multiple school districts to provide online courses or programs to
7 K-12 students from those districts; or

8 (iii) Except as provided in (b) of this subsection, a school
9 district that provides online courses or programs to students who
10 reside outside the geographic boundaries of the school district.

11 (b) "Multidistrict online provider" does not include a school
12 district online learning program in which fewer than ten percent of the
13 students enrolled in the program are from other districts under the
14 interdistrict student transfer provisions of RCW 28A.225.225.
15 "Multidistrict online provider" also does not include regional online
16 learning programs that are jointly developed and implemented by two or
17 more school districts or an educational service district through an
18 interdistrict cooperative program agreement that addresses, at minimum,
19 how the districts share student full-time equivalency for state basic
20 education funding purposes and how categorical education programs,
21 including special education, are provided to eligible students.

22 (2)(a) "Online course" means a course that:

23 (i) Is delivered primarily electronically using the internet or
24 other computer-based methods; and

25 (ii) Is taught by a teacher primarily from a remote location.
26 Students enrolled in an online course may have access to the teacher
27 synchronously, asynchronously, or both.

28 (b) "Online school program" means a school program that:

29 (i) Is delivered primarily electronically using the internet or
30 other computer-based methods;

31 (ii) Is taught by a teacher primarily from a remote location.
32 Students enrolled in an online program may have access to the teacher
33 synchronously, asynchronously, or both;

34 (iii) Delivers a part-time or full-time sequential program; and

35 (iv) Has an online component of the program with online lessons and
36 tools for student and data management.

37 (c) An online course or online school program may be delivered to
38 students at school as part of the regularly scheduled school day. An

1 online course or online school program also may be delivered to
2 students, in whole or in part, independently from a regular classroom
3 schedule, but such courses or programs must comply with RCW 28A.150.262
4 to qualify for state basic education funding.

5 NEW SECTION. **Sec. 3.** (1) The superintendent of public
6 instruction, in collaboration with the state board of education, shall
7 develop and implement approval criteria and a process for approving
8 multidistrict online providers; a process for monitoring and if
9 necessary rescinding the approval of courses or programs offered by an
10 online course provider; and an appeals process. The criteria and
11 processes shall be adopted by rule by December 1, 2009.

12 (2) When developing the approval criteria, the superintendent of
13 public instruction shall require that providers offering online courses
14 or programs have accreditation through the Northwest association of
15 accredited schools or another national, regional, or state
16 accreditation program listed by the office of the superintendent of
17 public instruction after consultation with the Washington coalition for
18 online learning. In addition to other criteria, the approval criteria
19 shall include the degree of alignment with state academic standards and
20 require that all teachers be certificated in accordance with Washington
21 state law. When reviewing multidistrict online providers that offer
22 high school courses, the superintendent of public instruction shall
23 assure that the courses offered by the provider are eligible for high
24 school credit. However, final decisions regarding the awarding of high
25 school credit shall remain the responsibility of school districts.

26 (3) Initial approval of multidistrict online providers by the
27 superintendent of public instruction shall be for four years. The
28 superintendent of public instruction shall develop a process for the
29 renewal of approvals and for rescinding approvals based on
30 noncompliance with approval requirements. Any multidistrict online
31 provider that was approved by the digital learning commons or
32 accredited by the Northwest association of accredited schools before
33 the effective date of this section, and that meets the teacher
34 certification requirements of subsection (2) of this section, is exempt
35 from the initial approval process under this section until August 31,
36 2011, but must comply with the process for renewal of approvals and
37 must comply with approval requirements.

1 (4) The superintendent of public instruction shall make the first
2 round of decisions regarding approval of multidistrict online providers
3 by April 1, 2010. Thereafter, the superintendent of public instruction
4 shall make annual approval decisions no later than November 1st of each
5 year.

6 (5) The superintendent of public instruction shall establish an
7 online learning advisory committee within existing resources that shall
8 provide advice to the superintendent regarding the approval criteria,
9 major components of the web site, the model school district policy,
10 model agreements, and other related matters. The committee shall
11 include a representative of each of the following groups: Private and
12 public online providers, parents of online students, accreditation
13 organizations, educational service districts, school principals,
14 teachers, school administrators, school board members, institutions of
15 higher education, and other individuals as determined by the
16 superintendent. Members of the advisory committee shall be selected by
17 the superintendent based on nominations from statewide organizations,
18 shall serve three-year terms, and may be reappointed. The
19 superintendent shall select the chair of the committee.

20 NEW SECTION. **Sec. 4.** The superintendent of public instruction
21 shall create an office of online learning. In the initial
22 establishment of the office, the superintendent shall hire staff who
23 have been employed by the digital learning commons to the extent such
24 hiring is in accordance with state law and to the extent funds are
25 available. The office shall:

26 (1) Develop and maintain a web site that provides objective
27 information for students, parents, and educators regarding online
28 learning opportunities offered by multidistrict online providers that
29 have been approved in accordance with section 3 of this act. The web
30 site shall include information regarding the online course provider's
31 overall instructional program, specific information regarding the
32 content of individual online courses and online school programs, a
33 direct link to each online course provider's web site, how to register
34 for online learning programs and courses, teacher qualifications,
35 student-to-teacher ratios, course completion rates, and other
36 evaluative and comparative information. The web site shall also
37 provide information regarding the process and criteria for approving

1 multidistrict online providers. To the greatest extent possible, the
2 superintendent shall use the framework of the course offering component
3 of the web site developed by the digital learning commons;

4 (2) Develop model agreements with approved multidistrict online
5 providers that address standard contract terms and conditions that may
6 apply to contracts between a school district and the approved provider.
7 The purpose of the agreements is to provide a template to assist
8 individual school districts, at the discretion of the district, in
9 contracting with multidistrict online providers to offer the
10 multidistrict online provider's courses and programs to students in the
11 district. The agreements may address billing, fees, responsibilities
12 of online course providers and school districts, and other issues; and

13 (3) In collaboration with the educational service districts:

14 (a) Provide technical assistance and support to school district
15 personnel through the educational technology centers in the development
16 and implementation of online learning programs in their districts; and

17 (b) To the extent funds are available, provide online learning
18 tools for students, teachers, administrators, and other educators.

19 NEW SECTION. **Sec. 5.** The superintendent of public instruction
20 shall:

21 (1) Develop model policies and procedures, in consultation with the
22 Washington state school directors' association, that may be used by
23 school district boards of directors in the development of the school
24 district policies and procedures required in section 6 of this act.
25 The model policies and procedures shall be disseminated to school
26 districts by February 1, 2010;

27 (2) By December 1, 2009, modify the standards for school districts
28 to report course information to the office of the superintendent of
29 public instruction under RCW 28A.300.500 and for purposes of the
30 standardized transcript to designate if the course was an online
31 course. Both the designation and the reporting standards shall be
32 required beginning with the 2010-11 school year; and

33 (3) Beginning January 15, 2011, and annually thereafter, submit a
34 report regarding online learning to the state board of education, the
35 governor, and the legislature. The report shall cover the previous
36 school year and include but not be limited to student demographics,

1 course enrollment data, aggregated student course completion and
2 passing rates, and activities and outcomes of course and provider
3 approval reviews.

4 NEW SECTION. **Sec. 6.** (1) By August 31, 2010, all school district
5 boards of directors shall develop policies and procedures regarding
6 student access to online courses and online learning programs. The
7 policies and procedures shall include but not be limited to: Student
8 eligibility criteria; the types of online courses available to students
9 through the school district; the methods districts will use to support
10 student success, which may include a local advisor; when the school
11 district will and will not pay course fees and other costs; the
12 granting of high school credit; and a process for students and parents
13 or guardians to formally acknowledge any course taken for which no
14 credit is given. The policies and procedures shall take effect
15 beginning with the 2010-11 school year. School districts shall submit
16 their policies to the superintendent of public instruction by September
17 15, 2010. By December 1, 2010, the superintendent of public
18 instruction shall summarize the school district policies regarding
19 student access to online courses and submit a report to the
20 legislature.

21 (2) School districts shall provide students with information
22 regarding online courses that are available through the school
23 district. The information shall include the types of information
24 described in subsection (1) of this section.

25 (3) When developing local or regional online learning programs,
26 school districts shall incorporate into the program design the approval
27 criteria developed by the superintendent of public instruction under
28 section 3 of this act.

29 NEW SECTION. **Sec. 7.** (1) Beginning with the 2011-12 school year,
30 school districts may claim state basic education funding, to the extent
31 otherwise allowed by state law, for students enrolled in online courses
32 or programs only if the online courses or programs are:

33 (a) Offered by a multidistrict online provider approved under
34 section 3 of this act by the superintendent of public instruction;

35 (b) Offered by a school district online learning program if the
36 program serves students who reside within the geographic boundaries of

1 the school district, including school district programs in which fewer
2 than ten percent of the program's students reside outside the school
3 district's geographic boundaries; or

4 (c) Offered by a regional online learning program where courses are
5 jointly developed and offered by two or more school districts or an
6 educational service district through an interdistrict cooperative
7 program agreement.

8 (2) Criteria shall be established by the superintendent of public
9 instruction to allow online courses that have not been approved by the
10 superintendent of public instruction to be eligible for state funding
11 if the course is in a subject matter in which no courses have been
12 approved and, if it is a high school course, the course meets
13 Washington high school graduation requirements.

14 NEW SECTION. **Sec. 8.** Nothing in this chapter is intended to
15 diminish the rights of students to attend a nonresident school district
16 in accordance with RCW 28A.225.220 through 28A.225.230 for the purposes
17 of enrolling in online courses or programs.

18 **Sec. 9.** RCW 28A.150.262 and 2005 c 356 s 2 are each amended to
19 read as follows:

20 Under RCW 28A.150.260, the superintendent of public instruction
21 shall revise the definition of a full-time equivalent student to
22 include students who receive instruction through (~~digital programs.~~
23 ~~"Digital programs" means electronically delivered learning that occurs~~
24 ~~primarily away from the classroom~~) alternative learning experience
25 online programs. As used in this section, an "alternative learning
26 experience online program" is a set of online courses or an online
27 school program as defined in section 2 of this act that is delivered to
28 students in whole or in part independently from a regular classroom
29 schedule. The superintendent of public instruction has the authority
30 to adopt rules to implement the revised definition beginning with the
31 2005-2007 biennium for school districts claiming state funding for the
32 programs. The rules shall include but not be limited to the following:

33 (1) Defining a full-time equivalent student under RCW 28A.150.260
34 or part-time student under RCW 28A.150.350 based upon the district's
35 estimated average weekly hours of learning activity as identified in
36 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, (~~(a digital)~~) an
8 alternative learning experience online program to adopt and annually
9 review written policies for each program and program provider and to
10 receive an annual report on its digital alternative learning experience
11 online programs from its staff;

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

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

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

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

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

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

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

1 additional information to be used to meet the requirement for a
2 learning plan;

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

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

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

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

1 (14) Requiring that a school district that provides one or more
2 (~~digital~~) alternative learning experience online courses to a student
3 provide the parent or guardian of the student, prior to the student's
4 enrollment, with a description of any difference between home-based
5 education as described in chapter 28A.200 RCW and the enrollment option
6 selected by the student. The parent or guardian shall sign
7 documentation attesting to his or her understanding of the difference
8 and the documentation shall be retained by the district and made
9 available for audit.

10 NEW SECTION. **Sec. 10.** (1) The office of the superintendent of
11 public instruction shall conduct a review of online courses and
12 programs offered to students during the 2008-09 school year to create
13 a baseline of information about part-time, full-time, and interdistrict
14 student enrollment; how courses and programs are offered and overseen;
15 contract terms and funding arrangements; the fiscal impact on school
16 district levy bases and levy equalization from interdistrict student
17 enrollment; student-to-teacher ratios; course and program completion
18 and success rates; student retention and dropout rates; and how issues
19 such as student assessment, special education, and teacher
20 certification are addressed.

21 (2) The office of the superintendent of public instruction shall
22 also assess the level of funding provided for online course and program
23 enrollment relative to the basic education general allocation,
24 particularly for alternative learning experience programs. The
25 assessment shall include but not be limited to a comparison of staffing
26 ratios and costs, nonemployee-related costs, and facility requirements;
27 and an analysis of the appropriate share of per-student allocations
28 between resident districts and serving districts given the requirements
29 for monthly progress reviews and direct personal contact.

30 (3) The office of the superintendent of public instruction shall
31 submit a report to the education and fiscal committees of the
32 legislature by December 1, 2009.

33 NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act constitute
34 a new chapter in Title 28A RCW.

1 NEW SECTION. **Sec. 12.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2009, in the omnibus appropriations act, this act
4 is null and void."

5 Correct the title.

EFFECT:

1. Definitions.
 - a. Includes in the definition of "multidistrict" provider those providers who contract with multiple districts, but serve students only in the contracted district.
 - b. Creates a separate definition for "online course" and "online school program."
2. Approval Process.
 - a. Clarifies that SPI, not the Digital Learning Commons (DLC), is in charge of the provider approval process, the web site, and model agreements.
 - b. Makes initial approval for a four-year period.
 - c. Provides for an annual approval decision by November 1st (not within three months of receiving an application).
 - d. Removes the approval fee.
 - e. Removes teacher-student-ratio in approval criteria, but includes it as part of the information to be displayed on the web site.
 - f. Exempts from initial approval until August 31, 2011, those multidistrict providers that are currently approved by DLC or accredited by Northwest Association of Accredited Schools, and meet teacher certification requirements. Requires that these providers still have to meet renewal requirements and other requirements established for approved providers.
3. Office of Online Learning.
 - a. Creates an Office of Online Learning in OSPI, initially made up of staff employed by the DLC to the greatest extent possible and to the extent funds are available.
 - b. Directs SPI to use the course offering component of the DLC web site to the greatest extent possible.
 - c. Directs SPI to provide technical assistance and, to the extent funds are available, online learning tools to school districts in collaboration with the Educational Service Districts and through the educational technology centers.
4. Delays implementation timelines as follows:
 - a. OSPI rule/approval criteria and process is December 1, 2009.
 - b. OSPI initial decision on applications is April 1, 2010.
 - c. OSPI disseminates model policies by February 1, 2010.
 - d. Districts adopt online policies by August 31, 2010.
 - e. Basic education funding is only permitted for approved providers beginning in the 2011-12 school year.
5. Other.

a. Clarifies purpose of model agreements between OSPI and approved providers: To address standard contract terms and conditions (such as billing fees, responsibilities of parties) in order to provide a template to assist school districts in contracting with a provider to offer programs to students in their district, if they choose.

b. Requires all online programs to be accredited from the Northwest Association of Accredited Schools or another national, regional, or state accreditation program listed by OSPI after consultation with WACOL.

6. Baseline Review.

a. Requires OSPI to conduct a review of online courses and programs offered in 2008-09 to create baseline information about student enrollment; how programs are offered; contract terms and funding; fiscal impact on levy bases and levy equalization from interdistrict enrollment; staffing ratios; course completion and success rates; and other issues.

b. Also requires an assessment of funding provided for online enrollment relative to the basic education allocation, including nonemployee related costs, facility requirements, and the share of allocations between resident and serving districts. Report is due December 1, 2009.

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