

SENATE BILL REPORT

SB 5603

As of February 17, 2011

Title: An act relating to online learning.

Brief Description: Regarding online education.

Sponsors: Senators Tom, McAuliffe, Hobbs, Litzow, Schoesler and Shin.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/17/11.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Juliana Roe (786-7438)

Background: The Office of the Superintendent of Public Instruction (OSPI) has created an office of online learning known as the Digital Learning Department (DLD). In establishing this office, OSPI was required to (1) develop and maintain a website that provides information about online learning to students, parents, and educators; (2) develop model agreements with approved multidistrict online providers that address contract terms and conditions which apply between districts and approved providers; and (3) in collaboration with the educational service districts, provide technical assistance and support to school districts and provide online learning tools for students, teachers, administrators, and educators. OSPI was also required to develop and implement (1) approval criteria and a process for approving multidistrict online providers; (2) a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online course provider; and (3) an appeals process.

DLD online courses are available to students enrolled at schools participating in the DLD Online Courses package. The school or school district in which a student is enrolled has the final decision as to which credits are awarded on a student's transcript. School districts can claim state basic education funding for students enrolled in online courses or programs only if the courses or programs are (1) offered by an approved multidistrict online provider; (2) offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district; or (3) offered by a regional online learning program in which courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Depending on a school district's online learning policies and procedures, online courses are paid for by the school district based on the basic education allocation, if the course is part of the student's basic education.

In 2009 pursuant to the passage of SSB 5410, the Legislature required school district boards of directors to develop online learning policies and procedures. In December 2010, OSPI submitted a report summarizing the policy and procedure documents submitted to them. For courses offered as a part of a student's free basic education, or for courses which a district claims state basic education funding, nearly all districts, 194 of the 203 districts offering online learning, indicated that the district will pay for the course costs. Only one district explicitly requires students to pay for the online course enrollment fees. The remaining eight districts have policies that lack clarity around the payment issue.

Seven school districts, out of the 203 districts offering online learning options, offer to cover the costs of students taking online courses or programs outside of the free basic education context. These districts are using a non-state funding source to cover the costs of the students taking online courses outside of the regular school day. An additional 13 districts have created arrangements to share the cost of the course, or the funding source depending on context. In about 76 percent of these cases, the student or family pays for the course.

Summary of Bill: The Legislature finds that a school district has no obligation to provide funding for online courses or to recognize online course grades on a student's transcript if the student chose to take the approved online course. The Legislature intends to require school districts to offer approved online courses to students for credit, excluding those courses that are otherwise offered by the resident school district.

DLD must (1) develop a process that would make available approved individual online courses to all students statewide; (2) develop and implement a model contract between DLD and approved online course providers; (3) develop and implement a process for reporting to school districts online course completion information and grades; and (4) work in conjunction with OSPI to develop processes and procedures for reporting and funding online courses.

School districts can prevent students from taking individual approved online courses for credit if a similar course is offered by the resident school district or if the course is for credit recovery purposes.

OSPI must allocate to DLD an amount per each full-time equivalent at statewide uniform rates for basic education, less 20 percent. OSPI must separately calculate and allocate monies appropriated for basic education under the uniform rates for basic education for purposes of making such payments, less 15 percent, for approved online courses, excluding small high school enhancements. OSPI is required to specify the process by which funds are allocated by August 1, 2011, and adopt rules so that it may be implemented.

Appropriation: None.

Fiscal Note: Requested on February 8, 2011.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: We are trying to continue online learning in a student-centric model. Online learning adds a richness to the types of courses students can take, as well as increases the availability of courses. We want to enhance student opportunity for online learning without competing with classes that are already offered by the districts.

The concept of opening up the availability of online courses is good. Parents appreciate options. There is a huge need for shared enrollment in this state. However, students who want to take online courses have faced road blocks. Some districts require the student to go through numerous approval processes before getting the green light to take a course and get credit for it. Other districts only allow students to take a certain number of online courses for credit during their high school career. This bill is about access for students to courses they couldn't otherwise take in their own school. There are inconsistencies in access to online learning courses depending on the district. This should be resolved.

CON: The funding issue in the original bill should be removed. That portion of the bill does not speak to the quality of the professional requirements.

There are issues with how both the original bill and the proposed substitute are drafted. Not all grades, K-12, offer courses for credit. Those should be separated out. Along those same lines, districts are allowed to prohibit students from taking certain classes for credit, but again, only high school gives credit for courses. This leads us to believe that this doesn't apply to elementary grades, which probably wasn't the intent.

Section 2 of the bill requires the DLD to do things it already does. The inclusion of these requirements is confusing.

Schools need the ability to guide students in what courses they should take as part of their graduation path. Without that, students are liable to face the aspect of not graduating on time. The language in the bill should be clarified and be more specific.

OTHER: OSPI wants to improve access to students. That's a core mission of the DLD. In 2009 the Legislature required districts to create policies and procedures. These are just being implemented in the current school year, so there are kinks to be worked out. One of our concerns with this bill is that it appears to move the decisionmaking away from the new policies and procedures and removes the role that districts have in supporting their students. Section 2 in the bill lists new duties for the DLD that have already been completed. What isn't clear is the roll the district would play in determining whether a course is eligible for this option. Local student support is an important component with student success. Students who have strong support are more likely to succeed than without it. The districts are the best in identifying a student's eligibility and what courses are needed for graduation. Right now the DLD provides quality control and conducts the approval process. This makes it easier for districts to provide online options to their students without the hassle that's involved in contracting with third party providers. We are also concerned about how funding would work.

Districts should not be able to prevent students from taking online courses if it is in the best interest of the student due to hostile situations, like a student and a teacher not getting along and that teacher being the only one teaching a particular subject.

This bill has the potential to save districts money. There is a charter school in California in which a quarter of its instruction has been provided online and it has saved them money in instructional costs. It will increase learning, quality, and access to learning.

Persons Testifying: PRO: Chris Dukelow, Giant Campus; Braden Bowman-Hess, student; Chad Magendanz, Washington State PTA.

CON: Ron Mayberry, Federal Way Internet Academy; Lyle Holland, Washington Association for Learning Alternatives.

OTHER: Karl Nelson, Office of Superintendent of Public Instruction; Marie Sullivan, Washington State School Directors Association; Susan Stewart, Washington Virtual Academies; Carolyn Logue, K12, Inc.; Liv Finne, Washington Policy Center; Jerry Bender, Association of Washington Principals.