

# HOUSE BILL REPORT

## SB 5496

---

**As Passed House:**  
April 15, 2013

**Title:** An act relating to authorizing approval of online school programs in private schools.

**Brief Description:** Authorizing approval of online school programs in private schools.

**Sponsors:** Senators Braun, Fain, Hatfield, Hargrove, Dammeier, Chase and Kohl-Welles.

**Brief History:**

**Committee Activity:**

Education: 3/21/13, 3/28/13 [DP].

**Floor Activity:**

Passed House: 4/15/13, 97-0.

**Brief Summary of Bill**

- Provides that if an approved private school applies also to offer an online school program, the statutory requirement for private schools to offer a specified number of instructional hours is deemed met.
- Authorizes the State Board of Education to approve such an online school program if other statutory requirements for private schools are met.
- Directs the Private Education Advisory Committee to examine issues associated with state approval of private online school programs and submit a report to the Legislature by January 10, 2014.

---

### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 20 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist, Fagan, Haigh, Hargrove, Hawkins, Hayes, Hunt, Klippert, Lytton, Maxwell, McCoy, Orwall, Pike, Pollet, Seaquist and Warnick.

**Staff:** Barbara McLain (786-7383).

**Background:**

---

*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.*

The Compulsory Attendance Law requires all students of a certain age to attend public school. Students who receive home-based instruction are exempt if the parent follows certain procedures, and students who are enrolled in an approved private school are also exempt. The State Board of Education (SBE) is responsible for approving private schools for this purpose. There are almost 500 approved private schools in the state, enrolling slightly more than 73,000 students.

The laws pertaining to private schools outline a limited number of requirements for approval, and the Legislature has stated that private schools should only be subject to those minimum state controls necessary to ensure the health and safety of all the students in the state and to ensure a sufficient basic education to meet usual graduation requirements. Private schools must hire certificated teachers, offer a course of study that meets state high school graduation requirements, and operate adequate facilities that comply with fire, health, and safety laws.

Private schools must also offer a school year of no less than 180 school days, or the equivalent in annual hours of instruction to total no less than 1,000 hours for students in grades 1 through 12 and at least 450 hours for kindergarten. There is not a requirement that such instruction be provided in person or be subject to a particular type of contact with the teacher. However in practice, the method the SBE uses to verify that private schools meet the instructional hour requirement is to examine school bell schedules and the school calendar.

Online learning can be asynchronous and competency-based. Students may or may not be provided with an educational opportunity of 1,000 instructional hours in such a program. The SBE has not been able to determine a valid verification method that an online private school meets the statutory requirements for instructional hours.

The statutory definition of an online school program is a program consisting of:

- courses or grade-level coursework delivered primarily electronically using computers, taught by a teacher primarily from a remote location;
- a sequential set of courses that may be taken throughout a school term or school year that could provide a full-time education program if so desired by the student, although students may enroll part time; and
- an online component of the program with online lessons and tools for student and data management.

### **Summary of Bill:**

If an approved private school seeks approval from the SBE to also offer an online school program, as defined under current law, the statutory requirement that private schools offer at least 1,000 instructional hours is deemed met for the online school program.

The student's residence is deemed an adequate physical facility for the online school program. The online school program is not required to be offered for the same grade levels as the approved private school. The SBE is authorized to approve such a program if it meets other private school requirements in current law. Private schools offering online school programs, third parties that contract to offer such programs, and parents providing online school programs may not receive state funding for these programs.

The Private School Advisory Committee of the Office of the Superintendent of Public Instruction is directed to examine issues associated with state approval of private online school programs, and consider whether additional criteria or procedures should be considered by the Legislature. A report, with recommendations if necessary, is due to the education committees of the Legislature by January 10, 2014.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is a simple fix to existing law that brings private schools in line with public schools. Historically, the state has granted private schools a broad purview as long as they meet minimum requirements, and this bill is consistent with that policy. The law applies only to schools already approved by the SBE so it does not allow for diploma mills. It also restricts the use of public funds and does not let them come into play, which is also appropriate. There are kindergarten through eight grade private schools that do not have sufficient enrollment or physical space to offer a full high school program, but this would allow them to offer an online option to serve their parents and communities.

(Opposed) None.

**Persons Testifying:** Senator Braun, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.