

Digital or Online Learning

This Act directs the state superintendent of public education to revise the definition of a full-time equivalent student to include students who receive instruction through digital programs. “Digital programs” means electronically delivered learning that occurs primarily away from the classroom. The Act gives the superintendent of public instruction the authority to adopt rules to implement programs associated with the new definition.

The new rules must include:

- defining a full-time equivalent student or part-time student under based upon a district's estimated average weekly hours of learning activity as identified in the student's learning plan, as long as the student is found, through monthly evaluation, to be making satisfactory progress;
- requiring districts providing digital or online programs to nonresident students to establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate;
- requiring the board of directors of a school district offering, or contracting under to offer, a digital program to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital learning programs from its staff;
- requiring each school district offering or contracting to offer a digital program to report annually to the superintendent of public instruction on the types of programs and course offerings, and number of students participating;
 - requiring completion of a program self-evaluation;
 - requiring documentation of the district of the student's physical residence;
 - requiring that supervision, monitoring, assessment, and evaluation of the digital program be provided by certificated instructional staff;
 - requiring each school district offering courses or programs to identify the ratio of certificated instructional staff to full-time equivalent students enrolled in such courses or programs; and
- requiring reliable methods to verify a student is doing his or her own work.

Submitted as:

Washington

Chapter 356 of 2005

Status: Enacted into law in 2005.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title*.] This Act may be cited as “An Act Relating to Digital or Online
2 Learning.”

3

4 Section 2. [*Legislative Findings*.] The [legislature] finds that digital learning courses and
5 programs can provide students with opportunities to study subjects that may not otherwise be
6 available within the students' schools, school districts, or communities. These courses can also
7 meet the instructional needs of students who have scheduling conflicts, students who learn best
8 from technology-based instructional methods, and students who have a need to enroll in schools
9 on a part-time basis. Digital learning courses can also meet the needs of students and families

10 seeking nontraditional learning environments. The [legislature] further finds that the state rules
11 used by school districts to support some digital learning courses were adopted before these types
12 of courses were created, so the rules are not well-suited to the funding and delivery of digital
13 instruction. It is the intent of the [legislature] to clarify the funding and delivery requirements for
14 digital learning courses.

15
16 Section 3. [*Revising the Definition of Full-Time Equivalent Programs.*] The
17 [superintendent of public instruction] shall revise the definition of a full-time equivalent student
18 to include students who receive instruction through digital programs. “Digital programs” means
19 electronically delivered learning that occurs primarily away from the classroom. The
20 [superintendent of public instruction] has the authority to adopt rules to implement the revised
21 definition beginning with the [biennium] for school districts claiming state funding for the
22 programs. The rules shall include but not be limited to the following:

23 (1) defining a full-time equivalent student under [insert citation] or part-time
24 student under [insert citation] based upon the district's estimated average weekly hours of
25 learning activity as identified in the student's learning plan, as long as the student is found,
26 through monthly evaluation, to be making satisfactory progress;

27 (2) requiring districts providing programs under this section to nonresident
28 students to establish procedures that address, at a minimum, the coordination of student counting
29 for state funding so that no student is counted for more than [one full-time equivalent] in the
30 aggregate;

31 (3) requiring the board of directors of a school district offering, or contracting
32 under [insert citation] to offer, a digital program to adopt and annually review written policies for
33 each program and program provider and to receive an annual report on its digital learning
34 programs from its staff;

35 (4) requiring each school district offering or contracting to offer a digital program
36 to report annually to the [superintendent of public instruction] on the types of programs and
37 course offerings, and number of students participating;

38 (5) requiring completion of a program self-evaluation;

39 (6) requiring documentation of the district of the student's physical residence;

40 (7) requiring that supervision, monitoring, assessment, and evaluation of the
41 digital program be provided by certificated instructional staff;

42 (8) requiring each school district offering courses or programs to identify the ratio
43 of certificated instructional staff to full-time equivalent students enrolled in such courses or
44 programs, and to include a description of their ratio as part of the reports required under this
45 section;

46 (9) verifying that students are doing their own work by using reliable methods
47 such as proctored examinations or projects, web cams or other technologies (“Proctored” means
48 directly monitored by an adult authorized by the school district);

49 (10) requiring, for each student receiving instruction in a digital program, a
50 learning plan that includes a description of course objectives and information on the
51 requirements a student must meet to successfully complete the program or courses;

52 (11) allowing course syllabi and other additional information to be used to meet
53 the requirement for a learning plan;

54 (12) requiring districts to assess the educational progress of enrolled students at
55 least annually, using, for full-time students, the state assessment for the student's grade level and
56 using any other annual assessments required by the school district.

57 (13) requiring part-time students be assessed at least annually.

58 (14) directing that part-time students who are either receiving home-based
59 instruction under [insert citation] or who are enrolled in an approved private school under [insert
60 citation] are not required to participate in the assessments required under [insert citation].

61 (15) addressing how students who reside outside the geographic service area of
62 the school district are to be assessed;

63 (16) requiring each student enrolled in the program to have direct personal contact
64 with certificated instructional staff at least weekly until the student completes the course
65 objectives or the requirements in the learning plan. (Direct personal contact is for the purposes of
66 instruction, review of assignments, testing, evaluation of student progress, or other learning
67 activities. Direct personal contact may include the use of telephone, e-mail, instant messaging,
68 interactive video communication, or other means of digital communication);

69 (17) requiring state-funded public schools or public school programs whose
70 primary purpose is to provide digital learning programs to receive accreditation through the state
71 accreditation program or through the regional accreditation program;

72 (18) requiring state-funded public schools or public school programs whose
73 primary purpose is to provide digital learning to provide information to students and parents on
74 whether or not the courses or programs cover:

75 (a) one or more of the school district's learning goals or of the state's
76 essential academic learning requirements; or

77 (b) whether they permit the student to meet one or more of the state's or
78 district's graduation requirements; and

79 (19) requiring a school district that provides one or more digital courses to a
80 student to provide the parent or guardian of the student, prior to the student's enrollment, a
81 description of any difference between home-based education as described in [insert citation] and
82 the enrollment option selected by the student.

83 (20) directing that a parent or guardian shall sign documentation attesting to his or
84 her understanding of the difference outlined in [insert citation] of this Section.

85 (21) requiring the documentation required in this Section be retained by the
86 district and made available for audit.

87

88 Section 4. [*Severability.*] [Insert severability clause.]

89

90 Section 5. [*Repealer.*] [Insert repealer clause.]

91

92 Section 6. [*Effective Date.*] [Insert effective date.]