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 Learning.”

2. Section 2. [Legislative Findings.] The legislature finds that digital learning courses and programs can provide students with opportunities to study subjects that may not otherwise be available within the students' schools, school districts, or communities. These courses can also meet the instructional needs of students who have scheduling conflicts, students who learn best from technology-based instructional methods, and students who have a need to enroll in schools on a part-time basis. Digital learning courses can also meet the needs of students and families
seeking nontraditional learning environments. The [legislature] further finds that the state rules used by school districts to support some digital learning courses were adopted before these types of courses were created, so the rules are not well-suited to the funding and delivery of digital instruction. It is the intent of the [legislature] to clarify the funding and delivery requirements for digital learning courses.

Section 3. [Revising the Definition of Full-Time Equivalent Programs.] The [superintendent of public instruction] shall 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 [superintendent of public instruction] has the authority to adopt rules to implement the revised definition beginning with the [biennium] for school districts claiming state funding for the programs. The rules shall include but not be limited to the following:

1. defining a full-time equivalent student under [insert citation] or part-time student under [insert citation] based upon the 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;

2. requiring districts providing programs under this section 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;

3. requiring the board of directors of a school district offering, or contracting under [insert citation] 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;

4. 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;

5. requiring completion of a program self-evaluation;

6. requiring documentation of the district of the student's physical residence;

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

8. 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 to include a description of their ratio as part of the reports required under this section;

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

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

11. allowing course syllabi and other additional information to be used to meet the requirement for a learning plan;

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

13. requiring part-time students be assessed at least annually.
(14) directing that part-time students who are either receiving home-based instruction under [insert citation] or who are enrolled in an approved private school under [insert citation] are not required to participate in the assessments required under [insert citation].

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

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

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

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

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

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

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

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

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

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

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

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