
SENATE BILL 5410

State of Washington

61st Legislature

2009 Regular Session

By Senators Oemig, Morton, McAuliffe, Tom, and Eide

Read first time 01/21/09. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to online learning; and adding a new chapter to
2 Title 28A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Local advisor" means an in-person supervisor who supports
7 students enrolled in online courses. This person is not the course
8 instructor and, therefore, is not required to be a subject-matter
9 expert. This person facilitates and monitors the student's learning
10 and communication with the online teacher. This person can be a
11 teacher, paraprofessional, counselor, or other person providing
12 instruction.

13 (2) "Local school district" means the location of the home-based
14 instruction or district in which the student is enrolled.

15 (3) "Online" means an electronic media including, but not limited
16 to, web-based, CD, DVD, or computer-based.

17 (4) "Online course provider" means an organization that provides
18 online course content and instruction. The online course provider may

1 not grant credit, but merely reports student grades and recommended
2 credit amount to the local school district, which thereafter may grant
3 credit.

4 (5) "Online teacher" means a teacher who teaches online courses.

5 (6) "Teacher" means a person who teaches, in-person, in a
6 traditional school setting.

7 (7) "Statewide coordinating entity" means the central organization
8 that provides quality review of online course providers, centralized
9 registration of online courses, contract negotiations, support,
10 training, and evaluation.

11 NEW SECTION. **Sec. 2.** (1) The digital learning commons shall be
12 the statewide coordinating entity for online learning in Washington
13 state.

14 (2) The digital learning commons shall:

15 (a) Administer the state online course network; and

16 (b) Ensure high quality education for students who are being
17 educated through online courses provided through the statewide
18 coordinating entity.

19 (3) The digital learning commons shall aggregate courses from
20 providers of endorsed online courses. The digital learning commons may
21 charge online course providers a fee to process requests to be
22 endorsed. Only providers of an endorsed course may offer courses
23 through the digital learning commons. Students who take courses that
24 are not endorsed by the digital learning commons may not be granted
25 credit for those courses, except as provided in this section. The
26 office of the superintendent of public instruction shall monitor and
27 enforce endorsement and credit requirements under this section.

28 (4) The digital learning commons shall incorporate national
29 accreditation standards in its rubrics to endorse courses.

30 (5) A waiver procedure shall be created by the digital learning
31 commons for local school districts to allow students to:

32 (a) Take online courses that are not endorsed in subject matters
33 that are not offered by the digital learning commons; and

34 (b) Take courses online that may or may not already be offered at
35 their local school or in their program of home-based instruction.

36 (6) Online courses shall be available to all students in grades K-
37 12.

1 NEW SECTION. **Sec. 3.** School districts are responsible for the
2 cost of online courses taken by students in their districts through the
3 digital learning commons. Local school districts shall implement
4 guidelines for permitting students to take online courses. The
5 guidelines must address student eligibility for particular courses; and
6 subject matter for which credit may be obtained, such as credit
7 recovery courses and subjects that are not offered at the local school
8 or through a program of home-based instruction.

9 NEW SECTION. **Sec. 4.** (1) The digital learning commons shall hire
10 an outside evaluator to prepare a report for each fiscal year to be
11 filed with appropriate committees of the legislature no later than
12 September of each year. The report shall include, but is not limited
13 to, the results from the state assessment administered to students
14 enrolled in courses offered by digital learning commons-endorsed course
15 providers and other measures of success, such as the number of students
16 enrolled in the course, the number of students who withdrew from the
17 course regardless of when they withdrew, the number of students who
18 completed the course, the number of students who failed to complete the
19 course, and the number of students who were recommended by the digital
20 learning commons to receive credit as well as those who were not
21 recommended to receive credit.

22 (2) The digital learning commons shall provide a program that gives
23 local advisors access to the student's online course progress reports
24 in order to monitor the student in areas such as progress, homework,
25 and grades. A parent, guardian, or individual acting as a parent in
26 the absence of a parent or guardian shall provide a signed and dated
27 written consent before an educational agency or institution may
28 disclose information regarding the student's education records. The
29 written consent must (a) specify the records that may be disclosed; (b)
30 state the purpose of the disclosure; and (c) identify the party or
31 class of parties to whom the disclosure may be made. A copy of the
32 written consent shall be provided to the parent, guardian, or
33 individual acting as a parent in the absence of a parent or guardian if
34 so requested. The signed and dated written consent may include a
35 record and signature in electronic form that identifies and
36 authenticates a particular person as the source of the electronic
37 consent and indicates that person's approval of the information

1 contained in the electronic consent. Local advisors who find that a
2 student taking an online course is not on track to pass may have the
3 student removed from the online course and the school district
4 reimbursed if it is determined that the online teacher has failed to
5 monitor and maintain the student's progress. Local advisors who find
6 that a student taking an online course is not on track to pass may
7 prohibit the student from taking subsequent online courses if it is
8 determined that the student has failed to keep up with the online
9 course or coursework, or if the student does not have requisite prior
10 knowledge for success in the online course. Students prohibited from
11 taking further online courses may petition the school district in
12 subsequent semesters for permission to take online courses.

13 NEW SECTION. **Sec. 5.** (1) The digital learning commons shall post
14 on its web site:

15 (a) The criteria used to endorse online courses;

16 (b) A list of endorsed courses from providers, with a detailed
17 description of each course; and

18 (c) The evaluations taken of the online courses.

19 (2) If a state standard exists for the subject of a course
20 offering, the online course must align with the essential academic
21 learning requirements in RCW 28A.655.070 and the grade level
22 expectations in RCW 28A.655.075.

23 NEW SECTION. **Sec. 6.** Each online teacher for grades seven through
24 twelve shall be certified, certificated, or licensed to teach the grade
25 or subjects and meet the federal no child left behind act "highly
26 qualified" standards. All online teachers must successfully complete
27 professional development courses related to teaching online.

28 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
29 a new chapter in Title 28A RCW.

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