

HOUSE BILL REPORT

HB 2209

As Reported by House Committee On: Education

Title: An act relating to addressing issues of accountability and funding for alternative learning experience programs.

Brief Description: Addressing issues of accountability and funding for alternative learning experience programs.

Sponsors: Representatives Haigh, Dammeier, Santos, Dahlquist, Probst, Maxwell and Kenney.

Brief History:

Committee Activity:

Education: 1/24/12, 1/27/12, 1/31/12 [DPS].

Brief Summary of Substitute Bill

- Defines a contract-based learning Alternative Learning Experience (ALE) program as one where high school students receive at least five hours per week of classroom-based instruction, and provides that these programs receive a 5 percent funding reduction in the 2012-13 school year.
- Requires that students in ALE programs must receive in-person, face-to-face direct personal contact with a teacher at least once a week, except for online programs and some part-time students.
- Requires instruction and activities in a student learning plan for high school ALE students to generate credits toward graduation, and for ALE students in kindergarten through eighth grade to be directly related to specified core academic subjects.
- Provides that part-time students in ALE programs are not exempt from participating in state assessments in the same manner as full-time students.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Lytton, Vice Chair; Dammeier, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Dahlquist,

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.

Assistant Ranking Minority Member; Ahern, Angel, Billig, Finn, Haigh, Hunt, Klippert, Ladenburg, Lias, Maxwell, McCoy and Probst.

Minority Report: Do not pass. Signed by 4 members: Representatives Fagan, Hargrove, Parker and Wilcox.

Staff: Barbara McLain (786-7383).

Background:

Alternative Learning Experience Programs. Alternative Learning Experience (ALE) programs provide a way for students to be enrolled in public education without being required to meet the in-class seat-time requirements for regular instruction. There are three primary types of ALE programs identified in statute: online programs; parent partnership programs that include significant participation by parents in the design and implementation of the student's learning; and contract-based learning. However, these broad definitions are illustrative rather than exclusive, and in-practice school districts have designed a wide array of ALE programs with varying amounts of classroom-based instruction offered in combination with individualized learning outside the classroom.

For the 2011-12 school year through December, the Office of the Superintendent of Public Instruction (OSPI) reports the following full-time equivalent enrollment in the ALE programs:

- Online programs: 8,590
- Parent partnership programs: 11,971
- Contract-based learning: 8,368

Student Learning Plans. Educational progress of students enrolled in the ALE programs is monitored through an individualized student learning plan (SLP). Rules adopted by the OSPI specify the content of an SLP, which must include direct personal contact with a teacher at least once a week; estimated hours per week of learning activities by the student; and a description of each course and whether the course meets the state learning standards or high school graduation requirements.

Funding for ALE Programs. Legislation enacted in 2011 directed the OSPI to reduce funding for the ALE programs by an average of 15 percent during the 2011-12 and 2012-13 school years. The OSPI was further directed to give consideration to the various types of programs and a number of different criteria, and ensure that no program received more than a 20 percent reduction or less than a 10 percent reduction. Under the OSPI implementation scheme, full-time students who receive at least one hour per week of face-to-face, in-person instructional contact time are funded at the 10 percent reduction level. For online programs, this contact may be digital and synchronous. All other ALE students are funded at the 20 percent reduction level. The 2011-13 State Omnibus Operating Appropriations Act assumed a biennial savings of \$41 million from these reductions.

Student Assessment. School districts are required to administer state assessments to students according to policies adopted by the OSPI. There is not a process for exempting students from participating in state assessments, and under federal accountability, schools are

expected to assure that all students are appropriately assessed for federally required assessments.

In the 2009-10 annual report on online learning, the OSPI reported that online ALE programs had low student participation rates in state assessments. The 2010-11 annual report indicated some improvement as a result of efforts by the OSPI and the online ALE programs to increase participation. The law pertaining to the online ALE programs states that part-time ALE students who are also receiving home-based instruction or are enrolled in private school, are not required to participate in state assessments.

School Choice. Washington's school choice laws encourage school districts to honor a resident student's request to attend school in another district. A resident district must release a student if a financial, education, safety, or health condition of the student would likely be improved; the school would be more accessible to a parent's workplace or child care; or there is a special hardship. Districts must adopt a policy regarding acceptance of nonresident students that is applied equitably. A nonresident district may reject a student due to significant discipline problems, expulsion or suspension, or financial hardship on the district. Rejections may be appealed to the OSPI.

Summary of Substitute Bill:

Contract Based Learning. A contract-based learning ALE program is defined as a program that serves students in grades nine through 12, where students receive an average of at least five hours of classroom-based instruction per week. The Running Start program does not fall under this definition. For the 2012-13 school year, contract-based learning ALE programs receive a 5 percent reduction in funding, rather than a 10 to 20 percent reduction.

Student Learning Plans. For students in grades kindergarten through eight, all instruction and activities in the SLP must be directly related to one or more of the following core academic subjects: English, reading and language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, the arts, history, and geography. For students in grades nine through 12, all instruction and activities in the SLP must generate credits that meet state or local high school graduation requirements.

All students in an ALE program must receive in-person, face-to-face direct personal contact with a teacher at least once a week. This does not apply to students in online ALE programs, or students enrolled part-time in an ALE program and part-time in regular instruction in the same district. For programs where students receive an average of at least five hours per week of in-person, face-to-face instruction, no documentation beyond school attendance records is necessary to verify the direct personal contact requirements. Requirements for direct personal contact may be met in a group setting with the teacher and multiple students. Except when required for a student with disabilities, contracts for instructional or co-curricular services in an ALE student learning plan may not be for services for an individual student, but may provide services for students in a group setting.

Student Assessment. Part-time students who are enrolled in the ALE programs are not exempt from participating in the state assessment system in the same manner as full-time students, including students in online ALE programs. Participation must be based on a student's completion of the course material that is the subject of the assessment. Nonresident students in the ALE programs may participate in the assessments in their resident district subject to that district's planned testing schedule.

School Choice. School districts may enroll nonresident students in the ALE programs only if an interlocal agreement is established with the resident district that addresses responsibilities for assuring compulsory attendance, participation in state assessments, and assuring appropriate services for students with disabilities. A resident school district is required to release a student in order for the student to enroll in an online ALE program. The nonresident district must notify the resident district if the student drops out. A resident district may not refuse to establish the interlocal agreement in the case of a student enrolling in an online ALE program. Beginning in 2012-13, student enrollment in the ALE programs is reported through the comprehensive education data and research student data system.

Substitute Bill Compared to Original Bill:

Contract-based learning ALE programs receive a 5 percent reduction in 2012-13, rather than full funding as in the original bill. Except for online students and certain part-time students, all students in an ALE program must receive in-person, face-to-face direct personal contact with a teacher at least once a week. For programs where students receive an average of at least five hours per week of face-to-face instruction, no documentation beyond school attendance records is necessary to verify direct personal contact. Direct personal contact may be met in a group setting with the teacher and multiple students. Except when required for a student with disabilities, contracts for services may not be for an individual student, but may be for students in a group setting.

School districts may enroll nonresident ALE students only if an interlocal agreement is established with the resident district. A resident district is required to release a student to enroll in an online ALE program in a nonresident district, and may not refuse to establish the interlocal agreement with the nonresident district. Beginning in 2012-13, student enrollment in the ALE programs is reported through the comprehensive education data and research student data system.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 1, 2012.

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

Staff Summary of Public Testimony:

(In support) Most school districts look at the rules for the ALE programs and think that if something is not expressly prohibited, then it is authorized. This bill addresses some of the problems caused by this thinking. However, online programs should be pulled out of the bill and excluded from additional regulation. Face-to-face contact should be required from contract-based programs and parent partnerships. This should serve to limit enrollment within a geographical area. The Legislature should consider full funding of all ALE programs.

(With concerns) In broad terms, these conversations are appreciated. The efforts to tackle challenges in times of limited resources are appreciated. In the future, online learning will be a big part of how all school programs operate. The funding reductions are extremely challenging. They generate a lot of paperwork that is taking time away from instruction. Full funding for contract-based learning is supported, but full Basic Education dollars should be provided for all programs. Online programs also work with at-risk students. The ALE programs have put "I can" back into kids' vocabulary.

Children have different learning styles. There is a synergy between the teacher, parents, and students in the ALE programs. The parent acts as the learning coach. There is a lack of understanding about why funding is being taken away from these unique opportunities. What will the children do without these programs next year? Three years ago regulations were established for multi-district online programs. Last year these regulations were extended to all online providers. This is the appropriate way to ensure quality and accountability. Funding reductions have occurred despite evidence that online programs cost the same as traditional education. Online programs have to comply with all public school regulations, all requirements pertaining to delivery of Basic Education, and on top of that reduced funding and increased rules in order to receive that funding. The provisions dealing with the K-8 student learning plan are in conflict with existing law that requires school districts to provide instruction in physical education to all K-8 students.

(Opposed) The ALE programs are using models that work for students and lead to high test scores. To be rewarded for that by receiving \$500 to \$1,000 less per student is not the way to go. Health and fitness should be included in learning plans for K-8 students. Abuses have occurred not because of funding for physical education, but because of funding for individual rather than group activities. There are many stories of students who would not be attending school unless the ALE programs were there for them, including online programs. Without full funding of the ALE, there is concern about programs' ability to continue.

Persons Testifying: (In support) Lyle Holland, Washington Association for Learning Alternatives.

(With concerns) Steinar Kristofferson, Skagit Family Learning Center; Mark Christiano, IQ Academy and Washington Virtual Academy; Ron Mayberry, Federal Way Internet Academy; Teresa Ruelas, Washington Families for Online Learning; Carolyn Logue, K12, Inc.; and Charlie Brown, Columbia Virtual Academy.

(Opposed) Mark Clements, River HomeLink and Summit View High School; and Jeff Bush, Insight School of Washington.

Persons Signed In To Testify But Not Testifying: Melissa Kristoffersen, Skagit Family Learning Center; Shawn Lewis, Office of the Superintendent of Public Instruction; and Ben Rarick, State Board of Education.