

FINAL BILL REPORT

ESHB 2065

C 34 L 11 E1
Synopsis as Enacted

Brief Description: Regarding the allocation of funding for students enrolled in alternative learning experiences.

Sponsors: House Committee on Ways & Means (originally sponsored by Representative Hunt).

House Committee on Ways & Means
Senate Committee on Ways & Means

Background:

Alternative learning experience (ALE) programs are public school alternative options that are primarily characterized by learning activities that occur away from the regular public school classroom. The requirements and expectations of ALE activities are detailed in a written student learning plan developed and supervised by a public school teacher.

The regulatory requirements for ALE programs are in the Washington administrative rules. The ALE students are funded on the basis of hours towards a student learning plan, which is in contrast to the "seat time" requirements for basic education funding in non-ALE programs, where school districts claim basic funding only for enrolled students who are expected to physically attend school each day for a specified number of hours.

The ALE programs are different than home-based instruction. An ALE is a public school learning experience which is planned and supervised by a public school teacher. Home-based education is planned and supervised under the authority of the parent, not the school district. Home-based students may enroll part-time in public school classes and programs, including ALE.

Alternative learning experience program enrollment has increased significantly over time. Although ALE enrollment was inconsistently reported in the early years of the program, survey data and research reports suggest that total enrollment has increased over 450 percent since 1995. Survey reports estimate 1995 ALE enrollment at about 5,000 full-time equivalent (FTE) students, as compared to February 2011 enrollment of approximately 28,826 FTEs.

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.

Alternative learning experience student FTEs are funded at the same general apportionment rate as non-ALE students. Total funding for ALE programs is estimated at approximately \$150 million per school year. Alternative learning experience students generally fall into three major categories of ALE program offerings: digital and online programs, parent partnerships, and contract-based learning programs.

Digital or Online Learning Programs.

Digital, online learning programs are defined and authorized in statute. Students often enroll as non-resident students in geographically removed school districts that offer virtual programs. Many schools offer online learning courses, but claim enrollment for only the hours the student is in an on-site classroom. Online learning only becomes an ALE when the student is engaged in learning away from school, and the school district is using the time the student engages in this away-from-school learning as part of the FTE claimed for basic education apportionment. There are about 7,923 student FTEs in these programs as of February 2011.

Parent Partnership Programs.

Parent partnership programs offer a significant role for parents in the development and provision of public education. These programs are not specifically defined or authorized in statute. Many students in parent partnership programs may have been receiving home-based instruction prior to enrolling in the ALE program. However, parent partnerships are not home-based instruction because the school district is ultimately responsible for student learning, not the parent. Although there are a variety of different program models in the parent partnership category, with districts requiring varying degrees of in-person contact time in a classroom setting, all programs operate outside the standard seat-time requirements for funding required in the non-ALE setting. There are about 12,187 student FTEs in these programs as of February 2011.

Contract-based Learning Programs.

Contract-based learning is usually limited to secondary students, and is often used for credit retrieval or credit acceleration. Contract-based ALE programs are not specifically defined or authorized in statute. Many alternative middle and high schools offer some form of contract-based learning, as do a smaller number of comprehensive high schools; however, not all alternative high schools are ALE programs. Many contract-based programs offer flexibly-structured programs for students not succeeding in a general education high school format. There are about 8,716 student FTEs in these programs as of February 2011.

A number of studies of ALE programs in Washington have been done. The earliest known report on ALE was conducted by the Office of Superintendent of Public Instruction (OSPI) in 1999. It provides a review of ALE programs prior to mainstream use of the Internet as a tool for distance learning, and also during a time when ALE programs were just becoming available in grades K-8. Additionally, the Joint Legislative Audit and Review Committee did an extensive review of all ALE programs in 2005, including analysis of the use of parent stipends. The OSPI performed a study in December of 2009, analyzing just the digital and online aspects of ALE.

Summary:

The Legislature finds that there is ample evidence of the need to reexamine and reconsider the method by which the state funds ALE programs, and the state does not have a legal obligation to provide basic instruction using any particular delivery method or program.

A definition of ALE programs is established which includes the following components:

- The ALE program is provided in whole or in part outside the classroom setting.
- The ALE program is supervised by a certified teacher of the district or under contract.
- The ALE program is provided according to a written learning plan under district policy and the OSPI rules.

Additionally, the ALE definition includes online programs defined under current law, programs with significant participation and partnership with parents, and contract-based learning programs.

The use of parent stipends in ALE programs is prohibited, but districts may purchase materials in a student learning plan as long as they remain the property of the district. Instructional experiences and services made available to ALE students in the student learning plan must be "substantially similar" to what is available to all students in the district.

Beginning in the 2012-13 school year, state funding for students in ALE online programs is limited to those offered by an online provider approved by the OSPI under the process in statute. Definitions of "online course" and "online school program" are clarified to align with the operating definitions used by the OSPI in approving online providers. The definition of online courses is changed to specify that more than half of the instruction in these courses is provided remotely, via the Internet or other computer-based method. School districts must award credit for online high school courses that meet the district's graduation requirements and are affected by an approved online provider.

Funding is reduced by an aggregate amount of 15 percent for ALE programs for the 2011-12 and 2012-13 school years. The OSPI is tasked with determining the methodology for achieving the savings, so long as no particular ALE program receives less than a 10 percent reduction or more than a 20 percent reduction in funding.

School districts are exempt from minimum staffing requirements for certificated instructional staff for that portion of the student population participating in ALE programs.

Votes on Final Passage:

First Special Session

House	63	32	
Senate	34	11	(Senate amended)
House	71	25	(House concurred)

Effective: August 24, 2011
September 1, 2011 (Sections 9 and 10)