

# SENATE BILL REPORT

## ESHB 2065

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As Reported by Senate Committee On:  
Ways & Means, May 20, 2011

**Title:** An act relating to allocation of funding for students enrolled in alternative learning experiences.

**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).

**Brief History:** Passed House: 5/10/11, 63-32.

**Committee Activity:** Ways & Means: 5/11/11, 5/20/11 [DPA, DNP, w/oRec].

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Baxter, Brown, Conway, Fraser, Hewitt, Honeyford, Kastama, Keiser, Kohl-Welles, Pridemore, Regala, Rockefeller and Schoesler.

**Minority Report:** Do not pass.

Signed by Senator Hatfield.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Parlette, Ranking Minority Member Capital; Tom.

**Staff:** Elise Greef (786-7708)

**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 that is developed and supervised by a public-school teacher.

The regulatory requirements for ALE programs are in the Washington Administrative Code 392-121-182. ALE students are funded on the basis of hours spent towards a student learning plan, which is in contrast to the "seat time" requirements for basic education funding in non-ALE programs.

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*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.*

The ALE programs differ from 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 rather than the school district. Home-based students may enroll part-time in public-school classes and programs, including ALE.

As of February 2011, enrollment in ALE programs totaled approximately 28,826 student full-time equivalents (FTEs).

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 RCW 28A.150.262. 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 becomes an ALE only 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 were about 7923 student FTEs in these programs as of February 2011.

Parent Partnership Programs. Parent partnership 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 were 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. Although contracting education is specifically authorized under RCW 28A.150.305, 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 were about 8716 student FTEs in these programs as of February 2011.

**Summary of Bill (Recommended Amendments):** Funding for ALE programs is subject to appropriations in the omnibus appropriations act.

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

- The ALE program is provided in whole or in part outside of 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 Office of Superintendent of Instruction (OSPI) rules.

Additionally, the ALE definition includes online programs defined under current law, as well as programs with significant participation and partnership with parents, and programs that use the learning plan to direct the student in independent study.

The use of parent stipends in ALE programs is prohibited but districts may purchase materials in a student learning plan so long as they remain the property of the district. Additionally, students are required to receive one hour per week of face-to-face, in-person instructional contact with a teacher. The one hour of contact need not occur in a single block of time but may comprise blocks of smaller segments of time that add up to one hour. For approved ALE online programs, telephone, electronic mail, or other digital communication may be used to meet this requirement as provided in current law, but the one-hour per week must be synchronous between teacher and student.

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 current law. Definitions of "online course" and "online school program" are clarified to align with current operating definitions used by the OSPI in approving online providers.

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

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments):** Amendments adopted by the Committee clarify that 1) one-hour of student/teacher contact need not occur in one single block of time but may be broken into separate blocks of time that add up to one hour, and 2) the prohibition against providing activities, experiences and services unless they are provided for students in regular instructional programs is intended to keep activities substantially similar but not to prohibit, for example, the provision of alternative learning programs altogether.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** None.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 9, relating to allowing for adjustment of funding for ALE programs in the State Omnibus Operating Appropriations Act, and section 10, relating to exempting ALE programs from compliance with minimum staffing requirements, which take effect September 1, 2011.

**Staff Summary of Public Testimony on Engrossed Substitute Bill:** CON: We understand it is time that ALE programs be looked at as a serious delivery model for public education, and it's time for review and time to examine the types of programs. But we are concerned that, in the rush to deal with the state budget, there's not a lot of understanding about how these different programs and how some of the provisions of this bill could shut down some vibrant and effective programs. Our programs are accredited award-winning. Last year, CAM junior high had two national merit finalists. We are recognized as excellent schools. We are very concerned about the suggestion that these programs need less funding than regular programs. They function differently but the alternative is a different delivery model, not a less expensive one. Our purpose is to meet niche populations that are under- or inappropriately-served by regular school programs. These innovative programs are not all the same. We need to continue to have the means to try things on a small scale and bring successful approaches into the general population. The involvement of parents is key to a successful education. These programs involve parents and are flexible enough to meet the needs of a variety of students. It's time to examine the policies of ALE programs; but, it's premature to make cuts to the programs before that examination takes place. These programs work very well, and the cuts to these programs should not be disproportional to other cuts in K-12. The 60-minute time limit in the online world is difficult because getting them all together and doing the documentation will be a costly regulatory burden. The multi-district online programs should receive the minimum of high-school prototype allocations. Requiring ALE program offerings to be the same, and to the same extent, as brick and mortar schools could be interpreted to prohibit ALE programs altogether.

OTHER: The Orcas Island School District runs the Oasis ALE program. One concern is the language requiring program offerings to be made in the "same manner and to the same extent" as general education programs. This could prohibit the ALE delivery model altogether. The second concern is the face-to-face one hour requirement, which is a problem. The Oasis program is on an island and many students live off-island. Traveling to the school district would cause a significant burden, and many students would leave the program.

**Persons Testifying:** CON: Colleen O'Neal, Principal, Homelink Battleground (HB), CAM Junior/Senior High School; Gary Albers, CAM High School; Jim Williams, Susan Thompson, HB; Carolyn Logue, K-12, Inc.; Charlie Brown, Valley School District.

OTHER: Senator Ranker.