

HOUSE BILL REPORT

HB 1431

As of Second Reading

Title: An act relating to alternative learning experience courses.

Brief Description: Regarding alternative learning experience courses.

Sponsors: Representatives Santos, Dahlquist, Bergquist and Pollet; by request of Superintendent of Public Instruction.

Brief History:

Committee Activity:

Education: 2/14/13.

Brief Summary of Bill

- Defines Alternative Learning Experiences (ALE) by type of course rather than by type of program.
- Defines hybrid ALE courses as providing at least 20 percent weekly in-person instruction, and allows enrollment by students in grades kindergarten through 12.
- Defines remote ALE courses as providing less than 20 percent weekly in-person instruction, and limits enrollment to grades 9 through 12.
- Uses a current definition of an online ALE course but limits enrollment to grades 6 through 12.
- Prohibits school districts from purchasing co-curricular experiences for students in ALE programs unless these experiences are provided to all district students in the exact same manner.

HOUSE COMMITTEE ON EDUCATION

Staff: Barbara McLain (786-7383).

Background:

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 (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. They also provide a way for school districts to claim students as enrolled in nontraditional programs for purposes of state funding.

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. Some students might be enrolled in an ALE program that has characteristics of two or more of the program types.

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

- Online programs: 8,433
- Parent partnership programs: 13,483
- Contract-based learning: 8,809

Enrollment patterns among the programs vary. For example, 95 percent of contract-based learning students are high school students, compared to only 24 percent of students in parent partnership programs and 61 percent of students in online programs. Contract-based programs are provided largely for students who live in the district (83 percent of students). Two-thirds of students in online programs and one third of students in parent partnership programs live outside the county where the program is offered.

An online course is defined as one where the course content is delivered electronically using the Internet or other computer-based methods, and more than half of the teaching is conducted from a remote location using an online learning management system.

School districts are prohibited from purchasing or contracting for co-curricular experiences such as lessons, trips, and other activities, for students in ALE programs unless substantially similar experiences are available to students in the district's regular education program.

Summary of Bill:

Descriptions of three types of ALE programs are replaced by definitions of three types of ALE courses:

- (1) A hybrid course is one where a student receives in-person instruction from a teacher for at least 20 percent of the total weekly time for the course.
- (2) A remote course is one where a student receives in-person instruction from a teacher for less than 20 percent of the total weekly time for the course.
- (3) An online course has the same definition as current law, with the additional stipulation that the student's primary instructional interaction is with a certificated teacher.

In-person instruction must be in a physical classroom environment and for the purpose of teaching, review of assignments, testing, evaluation, or other learning activities identified in the student's learning plan.

High school ALE courses must meet district or state graduation requirements and be offered for credit.

School districts may claim students enrolled in ALE programs for state funding only under the following circumstances:

- (1) Enrollment in remote courses is limited to students in grades 9 through 12.
- (2) Enrollment in online courses is limited to students in grades 6 through 12.

There are exceptions for students with documented health conditions that prevent them from physically attending school, students who are temporarily absent, or students in certain grades who have been removed from a classroom due to discipline issues. A district may also permit a student in a lower grade to enroll in an online course if the student needs access to a higher-level course for academic reasons.

Enrollment in hybrid courses is permitted for students in grades kindergarten through 12.

Beginning with the 2013-14 school year, school districts must denote the type of ALE course in the statewide student information system.

School districts are prohibited from purchasing or contracting for co-curricular experiences for students in ALE programs unless these experiences are provided to all students in the district in the exact same manner.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) Much has been said about legislation that was enacted two years ago. In essence, the Legislature directed the OSPI to save \$42 million, which can only happen by limiting enrollment. There should be an increase in online learning, but there must also be a set of rules that provide both quality and accountability. Full funding for ALE students should be restored. The group hardest hit by the funding cut was at-risk high school students because these programs are often the most expensive to operate.

The State Auditor has identified a number of issues with ALE programs, to the tune of \$22 million in audit findings. A number of instructional models have emerged that are

troublesome. It appears schools are not really overseeing instructional activity. Some programs have become in-effect, state-funded homeschool, which the Superintendent of Public Instruction is not comfortable with. This bill provides the right balance of fiscal accountability and flexibility for districts to provide a variety of educational options for students.

(With concerns) The overall tone of the bill is appreciated, but there is collateral damage for schools. There is no relief from documentation requirements. Districts spend millions of hours doing documentation because the rules are so complicated. There should be a learning plan template from the OSPI. The ALE programs should be restricted to providing services in the exact same manner as regular school programs.

(Other) With 295 school districts, they all do things differently. There may be some good ideas here, but this is not the right way to implement them. Restoring full funding for ALE students is very supported.

(Opposed) There is opposition to prohibiting kindergarten through fifth graders from participating in digital learning. Parents are bothered that traditional education does not allow them to be as involved as they would like to be. Online learning provides immediate feedback and the immediate ability to respond with instruction. The concern is for the children. Some of the most powerful aspects of the ALE rules are also the most troublesome.

There are kids that public schools do not work for. Parents and families give a collective sigh of relief to finally find a fit for their child. The ALE programs are student-centered and provide one-on-one daily and weekly instruction. In one district, more than half of the students in the ALE program come from a district that does not have a parent partner program. The restrictions in this bill would cut them off. The audit findings are identifying problems. There should be more time allowed for the previous legislation to work.

One online learning student taught herself to read, but was not allowed to participate in the school's Highly Capable Program. Through online learning, she has access to appropriate learning that meets her needs. This student sends the message: do not take school away from her. She loves her teachers. Another student was struggling in public school and came home sad and distraught at the end of the day. After transferring to the local parent partner program, he is enjoying his classes, getting good grades, and participating in activities outside the home. There has been a marked improvement in his social emotional state. These programs provide a supportive educational community with resources for parents to serve their role as primary educator of their child.

These programs allow schools to reach students who do not otherwise thrive. There should be no bill rather than this bill. Online learning is very efficient. A student can accomplish in four hours what might take all day in a regular classroom. This permits students to explore other interests, such as computers, math, swimming, or golf. This creates a challenging environment where students want to learn more. This bill is opposed as written. There are some parts that could be adjusted, but on the whole this is too limiting and takes choices away from parents.

The requirements for contact with a certificated teacher are unreasonable and cause undue burden in documentation and reporting. Teachers are expected to have contact a minimum of one hour per week averaged over a month, which is reported monthly. To expect weekly reporting for each course is fiscally irresponsible. Schools will spend four times as much time in reporting, which sidetracks teachers from the job they are hired to do. One district has over 1,300 children enrolled in ALE programs. Expecting that contracted learning experiences be exactly the same or even substantially similar to what is offered for all children ignores the very definition of "alternative." The district should be allowed to contract with a local club for physical education that might include swimming for ALE students even if the district does not have a pool. Music lessons should be allowed even if band in the regular school doesn't start until fifth grade. These are innovative schools that are being told not to innovate.

It is understood that the Legislature is deeply concerned that some rules are being clearly flaunted. Some districts have never offered parent stipends or private lessons. But instead of punishing successful programs, the OSPI should take on more oversight and penalize programs that break the rules. It is too restrictive to force children to come to school for 20 percent of the week.

It is appropriate to redefine ALE programs as courses, because few programs operate using only a single model. This offers an individualized program where students can learn at their own pace. A homeschool parent could not afford to do this type of program alone.

Persons Testifying: (In support) Randy Dorn, Superintendent of Public Instruction; Karl Nelson, Office of the Superintendent of Public Instruction;

(With concerns) Rick Jansons, Richland School District

(Other) Marie Sullivan, Washington State School Directors Association.

(Opposed) Kristi Sloan, Stephanie Ritchie, Deborah Simon, Diallyh Bhanji, Tammy Alonzo, and Stephanie Stark, Washington Virtual Academy; Steinar Kristoffersen; James Williams; Susan Thompson; Sylvia Wirkkala; Marlys Smith; Paul Lewis, Meridian School District; Faith Gallatin; Tanya Hickman; Barbara Kline, Orcas Island School District; Debbie Giffins, Battleground School District; and Brad Sprague, Washington Association for Learning Alternatives.

Persons Signed In To Testify But Not Testifying: None.