

HOUSE BILL REPORT

2SSB 5794

As Reported by House Committee On:
Education

Title: An act relating to alternative learning experience courses.

Brief Description: Concerning alternative learning experience courses.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Ranker, McAuliffe, Honeyford, Eide and Litzow).

Brief History:

Committee Activity:

Education: 3/19/13, 4/2/13 [DPA].

**Brief Summary of Second Substitute Bill
(As Amended by Committee)**

- Defines Alternative Learning Experiences (ALE) by type of course rather than by type of program.
- Defines site-based ALE courses as providing at least 20 percent weekly in-person instructional contact.
- Defines remote ALE courses as providing less than 20 percent weekly in-person instructional contact.
- Uses a current definition of an online ALE course but clarifies that the primary instructional contact must be with a teacher.
- Allocates funding for ALE courses using the statewide average Basic Education rate for high school students.
- Adjusts provisions of the school choice laws regarding transfer of students between resident and nonresident districts to enroll in online courses.
- Directs the Office of Financial Management to conduct a study and create a proposal for an efficient and sustainable funding alternative for the ALE with an increased focus on educational outcomes.

HOUSE COMMITTEE ON EDUCATION

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.

Majority Report: Do pass as amended. Signed by 21 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Bergquist, Fagan, Haigh, Hargrove, Hawkins, Hayes, Hunt, Klippert, Lytton, Maxwell, McCoy, Orwall, Parker, Pike, Pollet, Seaquist and Warnick.

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. They also provide a way for school districts to claim students 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.

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.

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, 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

Funding.

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. 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.

Funding allocations for students enrolled in the Running Start dual-credit program are specified in statute and calculated as the statewide average Basic Education allocation for a high school student, rather than being calculated separately for each school district. There is one allocation for general education students (\$4,961.76 for the 2012-13 school year) and an enhanced allocation (\$5,856.48) for vocational education students.

School Choice.

State law "strongly encourages" school districts to honor requests by students to enroll in another school district. Nonresident school districts may reject a transfer application based on student disciplinary history or financial hardship on the district. According to the OSPI, nearly 74 percent of the full-time equivalent (FTE) enrollments in online ALE programs are nonresident students enrolling in another district.

Summary of Amended Bill:

Alternative Learning Experience Programs.

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

1. A site-based course is one where a student has in-person instructional contact for at least 20 percent of the total weekly time for the course.
2. A remote course is one where a student has in-person instructional contact 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.

Instructional contact must be with a certificated teacher for the purpose of teaching, review of assignments, testing, evaluation, or other learning activities identified in the student's learning plan. Instructional contact may occur in a group setting and may be delivered either in-person or remotely using technology. In-person contact means face-to-face instructional contact in a physical classroom environment. For online courses, the OSPI may not adopt a rule specifying a minimum duration of weekly personal contact.

School districts may claim state funding, to the extent provided in law, for students enrolled in site-based, remote, and online ALE courses. High school ALE courses must meet district or state graduation requirements and be offered for credit.

Online programs may seek a waiver from the OSPI to administer the state assessments for grades 3 through 8 on alternate days or an alternate schedule within the established testing period. The request may be denied if the proposal does not maintain adequate test security or would reduce the reliability of results by providing an inequitable advantage for some students.

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

Statutes pertaining to ALE courses are placed in a new RCW Title.

Funding.

The OSPI must allocate funding for ALE courses based on the statewide annual average allocation for a high school student in general education, excluding any small high school enhancements.

The Office of Financial Management must conduct a study to create a proposal for efficiently and sustainably funding ALE courses and recommend steps to increase the focus on educational outcomes. The study must review ALE funding models in other states and consider the advantages and disadvantages of applying state policies differentially depending on the type of ALE course. The study must include recommendations for baseline data on student achievement in ALE courses in relation to other comparable students; outcome targets and methods for ongoing evaluation of ALE outcomes; and improving ALE accountability.

The study must be done in consultation with representatives from school districts that administer the various types of ALE courses, the OSPI, the Washington State Institute for Public Policy, individuals with expertise in outcome-based public school funding models, and the Legislative Evaluation and Accountability Program Committee. A report to the Legislature is due by November 1, 2013.

School Choice.

A resident district must release a student wishing to enroll in another school district if the purpose is to enroll in an online learning program. The OSPI must develop a standard form to be used by all districts when releasing students to enroll in online learning programs. The OSPI must adopt rules establishing procedures for how the counting of students must be coordinated by resident and nonresident districts so that no student counts for more than one FTE.

A nonresident district may deny the transfer of a student who has repeatedly failed to comply with requirements for participation in an online learning program. A school district offering an ALE course to a nonresident student must inform the resident district if a student drops out or is no longer enrolled.

Amended Bill Compared to Second Substitute Bill:

A definition of "site-based course" replaces a definition of "hybrid course" based on at least 20 percent of weekly in-person contact. A definition of "in-person" is added. Technical corrections are made to other current laws regarding the ALE and online courses to align with the use of courses rather than programs when describing the ALE. The OFM study must also consider advantages and disadvantages of applying state policies differentially based on the type of course. Online programs may request a waiver from the OSPI to conduct state assessments on a different schedule, but still within the overall testing window. The OSPI must not adopt a rule regarding online courses that specifies a minimum duration of weekly contact. All of the provisions regarding school choice are added.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) A workgroup was convened to address ALE issues. This bill does not accomplish everything desired, but it represents an opportunity to move forward. It is important to define ALE courses and put the laws into a separate statute. It is also important to achieve a constant funding rate. If the Legislature invests in kindergarten through third grade class size reduction, it is not appropriate for an online program to benefit from increased funding. The rate for the Running Start program seems like a reasonable approach, and results in a small savings. There was discussion about shifting toward an outcomes-based funding model, but there was not sufficient time to develop a credible approach. The study group should look at what other states have done and report back.

Advocates would like to continue working with the OSPI and the Legislature on clear definitions and obtainable outcomes. This bill should be connected with House Bill 1423. There is some concern about defining a "hybrid" course as requiring 20 percent contact. A course should not be defined as "remote" if it is tailored to a student's needs.

This bill provides a solid framework for ALE programs in the future and a path toward a sustainable financial model. There are two bills before the Legislature on this topic, and the OSPI is working with supporters of the other bill to see if the ideas can be brought together. This is a direction that can be worked on.

(In support with concerns) Teachers measure student progress daily in these programs and communicate regularly with parents, but there is too much documentation required. Digital public schools have been of great benefit. They serve students with different needs, from students with dyslexia who were falling through the cracks to gifted learners who were bored in class. Digital schools should be separated from other ALE programs; they are not the same.

Students enroll in online programs for flexible, individualized education. The Legislature should free online programs from the rules and constraints of current policy. The provisions clarifying required use of a certificated teacher are supported strongly. Whether the funding is at the Running Start level or some other method, it is key to fully fund these programs. All students should be funded at the same level. The study group could be improved through the addition of teachers.

(With concerns) Children who previously attended traditional school and are now enrolled in digital school are excelling in every subject. Parents can vouch for the excellence of digital public school. Online learning happens in an environment of high accountability. No more studies are needed. State-approved online public schools need to be separated out from other programs. The accountability and monitoring of student progress are strong.

The intent is good, but there is more work to be done in defining online programs to reflect unique characteristics. There is concern about the study and a focus on outcomes. Regular schools are not expected to achieve a particular outcome in order to receive funding. The ALE programs should not be treated differently. The approval process and oversight of online programs should be recognized. It must also be recognized that online programs enroll students who have already failed in traditional schools. Parents working together with

teachers is the best way to provide education. There should not be a limit to instruction by a certificated teacher.

(Other) Further changes to the law should wait until the results of the study. Districts should be given time to educate their teachers about how to implement that previous bill. Use of the Running Start funding rate does not take into account state and federal mandates or the fact that Running Start students pay for their own curriculum. There should not be differentiation among types of courses. There have been abuses, but hopefully the State Auditor can take care of that. Requiring programs to provide substantially similar activities to ALE students and regular students limits innovation.

(Opposed) None.

Persons Testifying: (In support) Senator Dammeier, prime sponsor; Brad Sprague, Washington Association for Learning Alternatives; Christi Davis; Sarah Stuhlsatz-Krouper; Anne Holter; Paul Lewis, Meridian Parent Partnership Program; and Karl Nelson, Office of the Superintendent of Public Instruction.

(In support with concerns) Stephanie Ritchie and Kristi Sloan, Washington Virtual Academy; Stephanie Stark; Bernard Duplessis; and Lucinda Young, Washington Education Association.

(With concerns) Julie Forth and Suzanne Scuderi, Digital Public Schools; Mark Christiano, Washington Virtual Academies; Jeff Bush, Insight School of Washington; Carolyn Logue, K12, Inc.; and Nancy Truitt Pierce, Monroe Public Schools.

(Other) Misty Wilen; and Mark Clements, River Homelink of Battle Ground School District.

Persons Signed In To Testify But Not Testifying: None.