

# SENATE BILL REPORT

## SB 5794

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 21, 2013  
Ways & Means, March 1, 2013

**Title:** An act relating to alternative learning experience courses.

**Brief Description:** Concerning alternative learning experience courses.

**Sponsors:** Senators Dammeier, Ranker, McAuliffe, Honeyford, Eide and Litzow.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/20/13, 2/21/13 [DPS].  
Ways & Means: 2/28/13, 3/01/13 [DP2S, w/oRec].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5794 be substituted therefor, and the substitute bill do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill, Mullet and Rivers.

**Staff:** Eric Wolf (786-7405)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5794 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Braun, Dammeier, Hatfield, Hewitt, Padden, Parlette, Ranker, Rivers, Schoesler and Tom.

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

Signed by Senators Nelson, Assistant Ranking Member; Conway, Hasegawa and Murray.

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

**Background:** Alternative Learning Experience (ALE) Programs. ALE programs provide a way for students to be enrolled in public education without being required to meet the in-

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class seat-time requirements for regular instruction. There are three primary types of ALE programs identified in statute: online learning programs; parent-partnership programs that include significant participation by parents in the design and implementation of the student's learning; and contract-based learning.

Educational progress of students enrolled in ALE programs is monitored through an individualized student learning plan (SLP). Rules adopted by the Office of Superintendent of Public Instruction (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 monthly progress evaluations to assure that students are making satisfactory progress.

Certain practices are prohibited for ALE programs, such as providing compensation or stipends directly to parents, providing an incentive for district staff to enroll nonresident students, and purchasing curricular activities for ALE students unless substantially similar activities are available for regularly enrolled students.

Online Learning Programs. Most of the requirements regarding ALE programs are in administrative rules adopted by OSPI. However, online learning programs were first authorized in 2005 through legislation, so some of the requirements as they pertain to online programs appear in statute. In addition, legislation enacted in 2009 requires online learning programs offered to students from multiple school districts, either directly by a school district or under contract, to be approved by OSPI. Beginning in the 2013-14 school year, all online learning programs must be approved by OSPI.

**Summary of Bill (Recommended Second Substitute):** ALE Courses. ALE programs are redesignated as ALE courses and defined as a delivery method for the program of basic education. The statutes pertaining to ALE courses are aggregated into a new chapter of Title 28A RCW. ALE courses are divided into three types: hybrid courses, where students have instructional contact time in at least 20 percent of the total weekly time in the course; remote courses, where the student has in-person instructional contact time for less than 20 percent of the total weekly time in the course; and online courses.

Instructional Interaction. Students enrolled in ALE courses must have their primary instructional interaction occur with a certificated teacher. Instructional interaction includes but is not limited to direct instruction, review of assignments, assessment, testing, progress monitoring, and educational facilitation. Contact time with instructors need not be in person and may be delivered remotely through technological means.

Funding. Funding is determined by the statewide Basic Education Allocation (BEA) rate for grades 9-12 in Running Start, allocated on a student full-time equivalent (FTE) basis.

OFM Study. The bill directs the Office of Financial Management (OFM) to conduct a study, in consultation with OSPI, representatives from school districts that operate each type of course, the Washington State Institute for Public Policy, individuals with expertise in outcome-based public school funding models, a Washington State nonprofit organization with expertise in alternative learning education, and the Legislative Evaluation and Accountability Program committee. The purpose of the study is to create a proposal for

efficiently and sustainably funding such courses, as well as to recommend performance targets, data needed to establish a baseline for measuring progress toward targets, and other accountability improvements. OFM must report findings from the study to the Legislature by November 1, 2013.

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute):**

- A section that duplicated language in another section was removed;
- the funding rate was changed from the unenhanced special education BEA to the grades 9-12 in Running Start BEA; and
- the study group participant list was expanded, and the lead agency changed from OSPI to OFM.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended First Substitute):** Online Courses. Districts are allowed to continue counting online courses as seat time for students taking online courses in a classroom, on a regular schedule.

ALE Course Funding. Funding for hybrid, remote, and online ALE courses must be allocated based on the unenhanced statewide average basic education allocation per full-time equivalent student that is used during the development of the biennial budget for each full-time equivalent ALE student.

OSPI Study. OSPI must study and recommend a funding method for ALE courses, in consultation with, at minimum, one representative from a school district administering hybrid courses, one representative from a district administering remote courses, and one representative from a district administering online courses. OSPI must report the study's recommendations to the Legislature by November 1, 2013.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education):** PRO: This bill addresses a number of unintended consequences springing from prior reforms to ALE programs. ALE program rules are overly bureaucratic, so this bill allows for more innovation by streamlining the rules. Online learning programs have blossomed in this state and have become a robust option for students that requires regulation. An attractive feature of the bill is that it allows students in grades K-12 to learn remotely via technology. This bill will hopefully decrease the amount of paperwork that accompanies ALE programs. Districts support the full funding of ALE programs, especially since some districts are projecting a funding shortfall on ALE programs. This bill creates a solid pathway for OSPI to address some of the issues in ALE programs, including over \$27 million

in ALE program costs questioned by the State Auditor's Office. There is a timing issue: the bill comes into effect in late July, and will only give districts six weeks to adjust to the new categories.

CON: Christi Davis' student is enrolled in a parent-partnership program, which allows parents to address unique learning issues that school districts cannot meet. Increasing the amount of required in-class time can have a detrimental effect on the ability of some parent-partnership program students because the student does not get to take advantage of an individualized program and attention.

OTHER: Online programs are modeled off of public schools, not the other ALE programs. Online schools should be separated from ALE programs. There is a misunderstanding that virtual and online schools do not know their students. This bill creates the categories for courses based on the amount of instructional time that occurs, but it is unclear how those categories are funded. All students, K-12, should be able to access any ALE program. The bill does limit options for families by requiring that instructional time be offered only by certificated teachers; this language prohibits districts from contracting with non-certificated teachers, such as community college professors, to deliver ALE content.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Senator Dammeier, prime sponsor; Brad Sprague, WA Assn. for Alternative Learning; Ronald Mayberry, Federal Way Public Schools; Lucinda Young, WA Education Assn.; Karl Nelson, Ken Kanikeberg, OSPI; Marie Sullivan, WA State School Directors Assn.

CON: Christi Davis, citizen.

OTHER: Tammy Alonzo, Jayme Evans, Kris Hirshmann, WA Virtual Academies; Ben Rarick, State Board of Education; Jami Lund, Freedom Foundation.

**Staff Summary of Public Testimony on Substitute (Ways & Means):** PRO: The funding methodology is a shift to a flat rate so, regardless of grade or geographic region, these programs will receive a predictable, regular funding stream. The objective is to make the program a net savings, so we will take another shot to make the shift to be revenue neutral. It is not the intent to increase funding for the programs. The change to ALE courses should give the programs more flexibility and more transparent monitoring.

**Persons Testifying (Ways & Means):** PRO: Senator Dammeier, prime sponsor.