

## Alternative Learning Experience Programs

### Overview and Policy Consideration

#### 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. Although ALE programs encompass a wide variety of program models, the one common characteristic of these programs is that they do not rely on a “seat time” model. Whereas traditional public schools rely on a bricks-and-mortar setting, and rely on “seat time” as the basis for defining full or part-time participation (and funding), ALE programs are delivered through a variety of flexibly structured models to meet the needs of students who might not otherwise succeed in a traditional setting. In ALE programs, the requirements for each child’s program are established in a written student learning plan (WSLP), which must be developed and supervised by a public school teacher.

Although statutorily, ALE programs are different than home-based instruction (what is typically referred to as “home schooling”), the differences are sometimes not immediately obvious in practice, particularly in the early grades. In theory, an ALE program is a public school learning experience, which is planned and supervised by a public school teacher, while home-based education is planned and supervised under the authority of the parent, not the school district. In practice, families who might otherwise home school their children often find public school ALE programs to be an attractive option, particularly if the extent of oversight and interaction required by the supervising district is minimal, and their participation offers significant financial benefits (subsidy for textbooks, supplies, and educational “experiences” - such as music lessons - that they may otherwise pay for out-of-pocket).<sup>1</sup> By contrast, in other types of ALE programs, particularly in the upper grades, the differences with home schooling are much clearer. Many of the more rigorous credit retrieval and alternative high school programs involve a combination of weekly face-to-face instructional requirements, and a self-directed curriculum, which is often virtually delivered, and which students work through on their own flexible schedule. These programs often also incorporate significant counseling components. Indeed, part of the challenge of analyzing ALE programs is the breadth of program experiences encompassed by the term. It may be so broad as to have lost its usefulness as a category.

Alternative Learning Experience program enrollment has increased significantly over time. Although ALE enrollment was inconsistently reported prior to 1995, ALE enrollment has been estimated at about 5,000 full-time equivalent (FTE) students in 1995. By contrast, as shown in the chart below, ALE enrollments in the 2010-11 school year exceeded 34,600 student FTEs.

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<sup>1</sup> The provisions of SHB 2065 from the 2011 legislative session have imposed tighter controls on the form those subsidies can take, and will presumably mitigate some of the existing financial incentives driving participation.

<b>Total ALE Program Enrollment for the 2010-11 School Year</b>		
<b>Type of Program</b>	<b>Total FTE by Program</b>	<b>Total Headcount by Program</b>
Contract Based	11,231.94	12,515.52
Digital/Online	8,972.45	11,248.98
Online Contract Base	984.51	1,256.83
Online Parent/Partner	96.31	116.44
Parent Partnership	13,376.98	15,053.64
<b>Grand Total</b>	<b>34,662.20</b>	<b>40,191.42</b>

Alternative Learning Experience students generally fall into three major categories of program offerings: digital and online programs, parent partnerships, and contract-based learning programs. OSPi also maintains three separate sub-categories of online programs: Online – contract-based, Online-parent/partner, and Digital/online.

Digital or Online Learning Programs.

Digital, online learning programs are defined and authorized in RCW 28A.150.262. Students in these programs often enroll as non-resident students in school districts that offer multi-district programs or partner with private virtual education providers, such as *Washington Virtual Academies (WAVA)* or *Insight Schools*. Not all online programs qualify as ALE, however. 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 program if the school district is using the time the student engages in this away-from-school learning as part of the FTE claimed for funding. There are about 10,053 student FTEs in these programs as of November, 2011.

Parent Partnership Programs.

Parent partnership programs offer a significant role for parents in the development and provision of public education, and tend to concentrate in the earlier grades. Prior to the 2010 Legislative Session, these programs had not been 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, all programs operate outside the standard seat-time requirements for funding required in the non-ALE setting. There are about 15,053 student FTEs in these programs as of November 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 are about 12,515 student FTEs in these programs as of November 2011.

### **Alternative Learning Experience Program Enrollment – by Category**

<b>Total ALE Program Enrollment - by Program Type, Over Time</b>								
	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03
Digital/Online FTE	-	125	250	375	500	647	795	942
Parent-Partnership FTE	2,774	3,582	4,390	5,198	5,820	6,441	7,063	7,684
Contract-Based FTE	2,774	4,726	6,679	8,632	8,649	8,666	8,683	8,699
<b>Total ALE Student FTE</b>	<b>5,547</b>	<b>8,158</b>	<b>10,769</b>	<b>13,380</b>	<b>14,385</b>	<b>15,389</b>	<b>16,394</b>	<b>17,398</b>
<i>(continued)</i>	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Digital/Online FTE	1,089	1,263	1,437	3,108	5,666	7,887	8,612	10,053
Parent-Partnership FTE	8,306	8,927	10,237	8,165	8,783	9,674	11,985	13,376
Contract-Based FTE	8,716	8,733	8,914	7,969	6,885	6,744	7,343	11,232
<b>Total ALE Student FTE</b>	<b>18,403</b>	<b>19,407</b>	<b>20,587</b>	<b>19,242</b>	<b>21,334</b>	<b>24,305</b>	<b>27,940</b>	<b>34,661</b>

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. It also shows the impact of making ALE programs available in grades K-8 (previously, the programs were restricted to grades 9-12). Additionally, the Joint Legislative Audit and Review Committee (JLARC) 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.

Up until the 2010-11 school year, Alternative Learning Experience student FTEs were funded at the same general apportionment rate as non-ALE students. Total funding provided for ALE programs was estimated at approximately \$150 million during the 2009-10 school year. The funding impacts of Engrossed Substitute House Bill 2065 (Chapter 34, Laws of 2011) will soon be known as school year 2010-11 financial statements close in the late fall.

#### **Policy Consideration**

The provisions ESHB 2065 made several significant changes to ALE programs, but also left significant policy unresolved. It seems nearly certain that the Legislature will revisit some of these unresolved policy issues in the 2012 Legislative Session, providing an opportunity for the State Board of Education to help formulate ALE policy moving forward.

The basic provisions ESHB 2065 were as follows:

- Required an aggregate 15 percent reduction in funding for Alternative Learning Experience (ALE) programs and tasked the Office of Superintendent of Public Instruction with determining the methodology for achieving those reductions. Required that no particular ALE program shall take less than a 10 percent reduction or more than a 20 percent reduction.
- Changed the statutory definition of online courses to specify that "at least half" of the instruction is provided remotely, via the Internet or other computer-based method.
- Prohibited school districts from paying so-called "parent stipends" for ALE programs, or cash subsidies for parents to spend on educational program supplies, materials, and experiences.

- Limits state funding, beginning in the 2012-13 school year, for ALE online programs to those approved by the Superintendent of Public Instruction.
- Exempts school districts from minimum staffing requirements for certificated instructional staff for that portion of the student population participating in ALE programs.

Although ESHB 2065 made several significant changes, its passage left key issues unresolved, and also revealed additional policy issues worth consideration. Those would include, at a minimum, the following:

- By exempting ALE programs from the minimum 46 certificated instructional staff per 1,000 staffing requirement applicable to the rest of the bricks-and-mortar system, the Legislature exempted ALE programs from a key component of basic education minimum compliance without replacing it with a suitable alternative. How ALE programs fit in the context of basic education minimum compliance standards (including 1,000 hours and 180 days of minimum contact-time instruction, as well as the aforementioned staffing requirements) remains a key unresolved issue. It is technically possible at this point for a student to enroll in an ALE public school program as a kindergarten student, progress through the entire K-12 system, and never receive any face-to-face instruction from a certified educator. In this context, what is an ALE student's right to minimum basic education *instruction* (as opposed to access to an online *curriculum* that they work through independently, or with a parent/guardian), and how does that fit with what students in the non-ALE realm receive?
- Because practice has significantly outpaced policy in ALE over the past decade, there are several components of the funding formulas that seem incongruous in the context of ALE, yet persist.

For example, students enrolled in ALE programs count equally in the determination of "unhoused students" for the purposes of determining state matching grant eligibility for school facilities funding, even though ALE students are, by definition, not in school buildings for the vast majority of their educational program.

Similarly, levy lid and equalization formulas count students – and the funding they accrue – in the determination of local levy authority, and ultimately (though indirectly) the amount of levy equalization a district may receive. Because many of these students are non-resident, they arguably have little relationship to the local tax paying community and could be seen, therefore, to be inflating the amount local school districts can raise, and, by extension, local tax payers are paying.

The small school enhancement factors in the general apportionment formula also, somewhat counter-intuitively, incorporate ALE students. These factors were presumably intended to compensate for the diseconomies of scale associated with educating a small number of students in a bricks-and-mortar setting, yet, by virtue of legislation passed during the 2009 session, districts can now qualify for small school funding with ALE student enrollments at the high school level.

Yet another example comes from the state's primary mechanism for distributing funding for struggling students: the Learning Assistance Program. The LAP program distributes funding on the basis of free and reduced price lunch eligibility rates in a district. Yet, to a significant degree, ALE students don't purchase school lunch, and therefore, generally don't fill out the eligibility paperwork. If one assumes that ALE students can also be

struggling and are therefore also entitled to additional remedial services as a result, then the formula should consider incorporating a method that also effectively estimates needs in the ALE student population.

These and other examples – the determination of the special education enrollment cap using non-resident students is another example – reflect a funding and regulatory system that has as its basis the bricks-and-mortar delivery system. As forms of virtual learning expand over the next decade, this system will surely need to adapt in a variety of ways.

# **ALTERNATIVE LEARNING EXPERIENCE PROGRAMS**

**2011 SESSION - PROPOSED SBE POLICY PRINCIPLES**

Ben Rarick

November 2011

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# POLICY PRINCIPLE NUMBER 1

- ✘ Mixed model instructional programs – those that strategically integrate virtual and in-person instructional delivery models – are the wave of the future. State policies should aid, not hinder, this trend.

## POLICY PRINCIPLE NUMBER 2

- ✘ It is important to develop some concept of basic education entitlement for virtual learners.
  - + Bricks & Mortar students are entitled to access 1,000 hours, and at least 180 days. They are also entitled to a minimum staffing ratio of 46 cert. instructional staff per 1,000 students. What is the ALE equivalent?

## POLICY PRINCIPLE NUMBER 3

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- ✘ Virtual learning should be viewed as a complement to, rather than a replacement for, in-person instruction.
  - + It should not be possible to progress through K-12 public schools without any in-person or “real time” instruction with a certified educator.
  - + Difference between *curriculum* and *instruction*

# POLICY PRINCIPLE NUMBER 4

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- ✘ Current school funding models – originally developed to fund bricks-and-mortar programs – need to be re-thought in the context of non-seat time-based programs.

Misfits include:

- + Levy equalization
- + School construction
- + LAP funding
- + Non-high funding

# POLICY PRINCIPLE NUMBER 5

- ✘ ALE programs are more effective in certain contexts.
  - ✘ AGE – older students are better equipped to take advantage of independent learning models
  - ✘ SUBJECT – certain subjects lend themselves to virtual delivery, others don't.
    - ✘ Foreign language courses versus speech, drama, physical fitness and other inherently interactive courses.
  - ✘ NEED – Students acquire certain interpersonal and communication skills in face-to-face situations

# POLICY PRINCIPLE NUMBER 6

- ✘ Home schooling is an excellent educational delivery model for certain families; however, in difficult economic times, the state cannot afford to subsidize them, at the expense of general education programs.
  - + Parent Partnership programs
  - + If these K-6 programs did not exist, would the parent send their child to public school?

# POLICY PRINCIPLE NUMBER 7

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- ✘ The different ALE program labels – online (including 3 sub-categories), parent partnerships, and alternative high schools – are so broad, encompassing such a vast array of programs, that they cease to be meaningful. A different vocabulary is needed.