State of Washington
Joint Legislative Audit and Review Committee (JLARC)

Alternative Learning Experience Programs Study

Report 05-17

November 30, 2005

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ALTERNATIVE LEARNING EXPERIENCE PROGRAMS STUDY

REPORT 05-17

REPORT DIGEST

NOVEMBER 30, 2005

STATE OF WASHINGTON

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

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Overview

This is the final report on a mandated study of Alternative Learning Experience (ALE) programs within the state's K-12 school system. It is the second of two reports that together constitute the full study. An earlier *Interim Report* (Report 05-6) issued in February 2005 presented background information on ALE programs in general and focused on one particular type of ALE program – those that rely on online and digital curriculum. This report focuses on a second and more common type of ALE program known as parent/partner programs.

One of the major purposes of this study was to assess the adequacy of the rules governing these programs. During the course of the study, the Office of Superintendent of Public Instruction (OSPI) amended the rules. We view many of the rule changes positively, but believe there are still areas where additional changes are warranted or should be considered. These are addressed in the report's eight recommendations.

This report is a joint effort of the Joint Legislative Audit and Review Committee (JLARC) and the State Auditor's Office (SAO), with JLARC serving as the lead agency. A separate SAO report is included as Appendix 3.

Background

ALE Programs in General: ALE programs are a creation of administrative rule rather than statute. The rules governing these programs were promulgated as part of a series of rules on how to apportion state basic education funding. These particular rules govern how school districts can receive such funding for students who are not physically present in a classroom; thus, ALE programs are primarily distinguished by off-campus instruction. School districts may claim these students for full Basic Education funding.

The intent of this type of programming is to give school districts flexibility to serve a diverse student population, including those considered to be "at-risk," non-traditional learners, and others. Through a survey of the state's school districts, we identified a total of 272 ALE programs, enrolling over 19,000 FTE students – approximately 2 percent of the state's total K-12 public school enrollment

Parent/Partner Programs in Particular: These are a sub-type of ALE program that provide varying types and levels of educational and instructional assistance to families who wish to provide some of their children's education in the home. Parents typically provide a major portion of the student's instruction, while school district personnel are responsible for such things as developing the student's learning plan, monitoring progress and assessing performance. In all cases, school personnel retain ultimate supervisory responsibility for the entire instruction program, including the portion provided in the home, and this is what distinguishes these programs from traditional home-schooling.

We identified a total of 101 parent/partner programs throughout the state, enrolling just over 9,000 FTE students – or about 46 percent of all ALE students. Most programs have been established within the past ten years.

Concerns have been raised about these programs related to such issues as overall quality, funding, and spending practices. Washington is unusual in providing this type of public school program. No other state offers an identical type of program, and only two states fund programs that are at all similar.

Issue Areas

This report categorizes issues and concerns related to parent/partner programs into six broad issue areas:

General Regulatory Framework: As noted, ALE programs are a creation of administrative rule rather than statute. The lack of direct statutory authorization limits legislative oversight and control over these programs, for which the state is currently providing approximately $80 million annually in Basic Education funding (for all ALE programs). Establishing these programs in statute would better enable the Legislature to have more direct input into the various issues surrounding them.

Quality Assurance Requirements: The rules previously governing ALE programs were inadequate in terms of ensuring overall quality assurance; a fact previously acknowledged by OSPI. The new rules, which will take effect for the 2005-06 school year, should work to improve program quality. Key changes include requiring substantially more involvement on the part of certificated staff; establishing new expectations regarding curriculum; and strengthening student assessment requirements. We do question, however, OSPI's decision to eliminate minimum contact time requirements. There also are no requirements that ALE programs be required to address state and district learning goals.

Program Oversight and Accountability: There has been little centralized control or oversight of ALE programs, due to the lack of statutory authorization and to the fact that OSPI has not viewed it as their role to provide such oversight. Control and oversight has thus been left to the individual school districts. In some cases, however, this has been insufficient, as the SAO found a significant level of non-compliance with program rules. In its new rules, OSPI strengthened oversight requirements considerably. New requirements for school districts claiming ALE funding include annual review of policies, approval of individual programs, and periodic self-evaluation. While these changes will help substantially, we feel additional changes and requirements are warranted.

Use of Religious Curriculum and Materials: It appears likely that religion-based instructional materials are being used to support students' learning programs in some programs. If so, it would be inconsistent with state constitutional provisions. OSPI has an existing policy that would satisfactorily address this issue, but it has not been well publicized.

Program Funding and Spending: The report finds there is cause for concern over ALE program funding and spending. It is legitimate to question what the appropriate funding level for these programs should be, but there is insufficient information to answer that question with any certainty. The SAO identified instances where program funds had been used for items that could be considered potentially questionable, raising the issue of whether some restrictions might be appropriate.

Issues of Concern to Home-Schooling Interests: The report discusses two such issues; permitting part-time enrollment and requiring that programs provide parents with accurate information as to the legal status of their enrolled children. Both issues are addressed in OSPI's rule revisions.

Recommendations

The report recommends **the Legislature should consider** establishing ALE programs in statute (Rec. 1), and that it also consider: whether minimum contact time requirements should be imposed (Rec. 2); whether ALE curriculum should be required to address state and district learning goals (Rec. 3); and whether specified spending restrictions should be established for ALE programs (Rec. 8).

The report also recommends that **OSPI should amend its rules** to require that all districts claiming ALE funding annually submit a written assurance that they are in compliance with all applicable rules (Rec. 4), and report spending information for each ALE program in order to provide information for future consideration of appropriate funding levels (Rec. 7).

Finally, the report recommends that **OSPI should develop written implementation guidelines** for ALE programs that include templates for recording and reporting key information (Rec. 5), and information on its policy regarding the use of religion-based instructional materials (Rec. 6).

TABLE OF CONTENTS

CHAPTER ONE – BACKGROUND 1

INTRODUCTION 1
TWO REPORTS: THE INTERIM REPORT, AND THIS FINAL REPORT 1
SIGNIFICANT REGULATORY CHANGES SINCE THE INTERIM REPORT 2
WHAT ARE ALTERNATIVE LEARNING EXPERIENCE PROGRAMS? 2
WHAT ARE PARENT/PARTNER PROGRAMS? 4
WHAT IS THE HISTORY OF THESE PROGRAMS? 5
WHAT ARE SOME OF THE ISSUES AND CONCERNS REGARDING PARENT/PARTNER PROGRAMS? 5
SIMILAR PROGRAMS IN OTHER STATES 6
THE ROLE OF THE STATE AUDITOR'S OFFICE IN THIS STUDY 6
REPORT FORMAT 7

CHAPTER TWO – PARENT/PARTNER PROGRAMS IN WASHINGTON 9

INTRODUCTION 9
NUMBER, LOCATION, AND ENROLLMENT OF PROGRAMS 9
PROGRAM TYPES AND STUDENT DEMOGRAPHICS 11
ADDITIONAL PROGRAM CHARACTERISTICS 12
STAFF AND PARENT PERCEPTIONS OF PROGRAM BENEFITS 13

CHAPTER THREE – PARENT/PARTNER PROGRAM ISSUE AREAS 15

INTRODUCTION 15

CHAPTER 3.A – GENERAL REGULATORY FRAMEWORK 17

CONCLUSIONS/DISCUSSION 17
RECOMMENDATION 17

CHAPTER 3.B – QUALITY ASSURANCE REQUIREMENTS 19

CONCLUSIONS/DISCUSSION 22
RECOMMENDATIONS 22

CHAPTER 3.C – PROGRAM OVERSIGHT AND ACCOUNTABILITY 23

CONCLUSIONS/DISCUSSION 26
RECOMMENDATIONS 26

CHAPTER 3.D – USE OF RELIGIOUS CURRICULUM AND INSTRUCTIONAL MATERIALS 29

CONCLUSIONS/DISCUSSION 32
RECOMMENDATION 32

CHAPTER 3.E – PROGRAM FUNDING AND SPENDING 33

CONCLUSIONS/DISCUSSION 36
RECOMMENDATIONS 37

CHAPTER 3.F – ISSUES OF CONCERN TO HOME-SCHOOLING INTERESTS 39

CONCLUSIONS/DISCUSSION 41

CHAPTER FOUR – CONCLUDING DISCUSSION AND SUMMARY OF RECOMMENDATIONS 43

SUMMARY OF RECOMMENDATIONS 44
AGENCY RESPONSES 46
ACKNOWLEDGEMENTS 46

APPENDIX 1 – SCOPE AND OBJECTIVES 47

APPENDIX 2 – AGENCY RESPONSES 49

APPENDIX 2A – JLARC'S COMMENTS ON AGENCY RESPONSES 69

APPENDIX 3 – OFFICE OF THE STATE AUDITOR - REPORT 71

APPENDIX 4 – ALTERNATIVE LEARNING EXPERIENCE PROGRAMS IDENTIFIED THROUGH SCHOOL DISTRICT SURVEYS 81

APPENDIX 5 – SUMMARY OF RECOMMENDATIONS FROM INTERIM REPORT OF ALTERNATIVE LEARNING EXPERIENCE PROGRAMS STUDY – AND IMPLEMENTATION STATUS 83

APPENDIX 6 – SIMILAR PROGRAMS IN OTHER STATES 87

APPENDIX 7 – PARENT/PARTNER PROGRAMS LISTED ALPHABETICALLY BY SCHOOL DISTRICT 89

CHAPTER ONE – BACKGROUND

INTRODUCTION

This is the final report of a statutorily mandated study on Alternative Learning Experience (ALE) programs within the state's K-12 public school system. As will be described in more detail below, these are programs and courses of study that are primarily distinguished by off-campus instruction. School districts may claim students enrolled in these programs for full Basic Education funding.

This study was mandated by the 2004 Supplemental Budget.[1] The Legislature asked for information on: the numbers of students served and variations in program types; the adequacy of current ALE program rules and procedures to safeguard against the misuse of public resources; identification of options to address noted deficiencies; and the potential fiscal impact of any proposed changes.

Pursuant to the statutory mandate, this study is a joint effort of the Joint Legislative Audit and Review Committee (JLARC) and the State Auditor's Office (SAO), with JLARC serving as the lead agency. JLARC staff prepared the body of this report. The role of the SAO is discussed later in this chapter, and its full report is included as Appendix 3.

TWO REPORTS: THE INTERIM REPORT, AND THIS FINAL REPORT

Consistent with the study's mandate, JLARC issued an Interim Report in February 2005 (Report 05-6). That report provided background information on ALE programs in general, and presented the preliminary results of a survey of the state's school districts regarding the ALE programs they operate. It identified the major types of ALE programs and noted that there are two that are of primary interest: 1) those that rely on online or digital curriculum, and 2) those we refer to as parent/partner programs.

The issues surrounding digital and online programs were considered the most time-sensitive, and there was a desire to conclude that portion of the study in time for the findings and recommendations to be considered during the 2005 Legislative Session. For that reason, **the Interim Report's major focus was on those ALE programs that rely on online or digital curriculum. In contrast, the major focus of this report is on parent/partner programs.**

In order to avoid redundancy, information presented in the Interim Report is not repeated here, except in summary fashion. Therefore, the Interim Report and this report *combined* should be considered as constituting the full ALE study report.[2]

[1] Chapter 276 Laws of 2004, Section 103. See Appendix 1 for the study's formal scope and objectives.

[2] The Interim Report presented preliminary survey results for all ALE programs. As the information was refined, minor changes were made to the original data tables. An updated version of the main data table is presented in Appendix 4 of this report. The Interim Report also included six recommendations. A summary of those recommendations is included in Appendix 5, along with a description of implementation-related actions – both legislative and executive branch – that have occurred since the issuance of that report.

SIGNIFICANT REGULATORY CHANGES SINCE THE INTERIM REPORT

In 2005, the Legislature passed – and the Governor signed – Substitute Senate Bill 5828 related to online and digital public education programs. The legislation included a number of provisions that addressed many of the recommendations from JLARC's Interim Report on these programs. The bill also directed the Office of Superintendent of Public Instruction (OSPI) to adopt rules to implement its various provisions.

In response to this legislation, as well as to the recommendations contained in the Interim Report, OSPI amended its rules regarding ALE programs. Although the legislation and the Interim Report's recommendations addressed digital and online programs *only*, OSPI's position was that there should only be a single set of rules that applies to *all* ALE programs. Consequently, the rules for all ALE programs have changed – in some cases significantly – since this study began. This has had a major impact on this study, given that one of its major purposes was to assess the adequacy of the rules.

As will be discussed in Chapter 3, we view many of the rule changes positively. However, there are still areas where we believe additional changes are warranted, or should at least be considered by the Legislature. These too are discussed later in this report. Additional background information related to the topic of program rules is also presented later in this chapter.

WHAT ARE ALTERNATIVE LEARNING EXPERIENCE PROGRAMS?

ALE programs are a creation of administrative rule rather than statute.[3] OSPI promulgated the specific rule governing these programs as part of a series of rules on how to apportion state Basic Education Funding. The rule establishes programmatic and other conditions school districts must satisfy in order to receive such funding for students who are not always physically present in a classroom. Thus, ALE programs are primarily distinguished by off-campus instruction. [4]

The intent of this type of educational programming is to give school districts flexibility to serve a diverse student population. This includes students considered to be "at-risk," non-traditional or self-directed learners, distance learners, and students who receive some of their instruction at home. While they may sometimes serve a similar population, ALE programs are distinct from more "traditional" alternative schools, due principally to their reliance on off-campus instruction.

By definition, the course of study in an ALE program is individualized. There are, however, a few major program types. Two that we have been primarily concerned with are parent/partner programs, which are the focus of this Report, and digital and online programs which were the focus of the Interim Report.

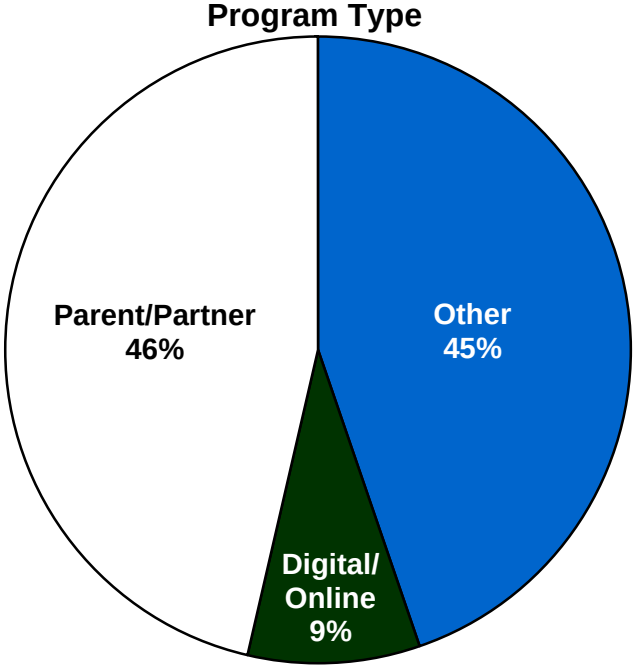
[3] Washington Administrative Code (WAC) 392-121-182.

[4] Some parties interested in this study have questioned whether OSPI had sufficient authority to promulgate these rules, and hence whether ALE programs are legal. This issue was addressed in 1998 in an informal Attorney General Opinion prepared in response to a legislator's question. The Assistant Attorney General who prepared the opinion concluded that OSPI did have "ample authority" to adopt the rules, and that they are an "important element" in the implementation of statutes directing how basic education funds are to be allocated.

The remaining programs, which account for 45 percent of all full-time equivalent ALE students, include a variety of program types, including those that may involve certain forms of contracted education and/or work-based learning. Many of these "other" programs are administratively housed within traditional alternative schools – and serve a similar population, including a high proportion of at-risk students – but are considered separate from them because most of the actual instruction occurs away from the classroom.

Figure 1 below shows how ALE students are distributed by program type.[5]

Figure 1 – Alternative Learning Experience FTE Students by Program Type



Source: JLARC.

OSPI has not required school districts to report the number of ALE programs they operate or the number of students they enroll in them. As a result, prior to this study little information was available. Through a survey we conducted of the state's school districts, we identified:

- 272 ALE programs, operated by 158 districts (out of 296 total districts statewide);
- These programs enrolled an estimated 19,407 full-time equivalent (FTE) students in the 2004-05 school year, or approximately 2 percent of the state's total K-12 public school enrollment.

[5] ALE FTE student data was gathered through JLARC's survey of school districts. Data was collected both for programs in total and by program type. Categories for program type were not mutually exclusive, so a program could have been identified as falling into more than one category. Percentages in this figure are based on the total non-duplicated number of program FTEs. The percentages for parent/partner and digital/online programs reflect the number of FTEs identified for these program types, while the "other" category reflects the balance – those not identified as being in either of the other two categories.

As noted, these programs qualify for full basic education apportionment funding. At the current average statewide funding level of $4,088 per full-time student per year, **the state is providing approximately $79.4 million dollars of annual Basic Education funds for students enrolled in these programs.**

A summary listing of ALE programs and enrollment is presented in Appendix 4.

WHAT ARE PARENT/PARTNER PROGRAMS?

There is no formal or established definition for parent/partner programs. While they are described in greater detail in Chapter 2, in summary they are public school programs that provide varying types and levels of educational and instructional assistance to families who wish to provide at least some of their children's education in the home. Typically, students may spend anywhere from one hour to two days per week in a program facility, with the balance of instructional activity taking place in the student's home.

Within these programs, parents or guardians typically provide the major portion of the student's instruction. School district personnel may also provide some direct instruction, but they are most notably responsible for such things as developing the student's individual learning plan, monitoring progress, and assessing performance. In all cases, school district personnel retain ultimate supervisory responsibility for the entire instruction program, including the portion that is provided in the home. That is what distinguishes these programs from traditional home-schooling, which is completely independent of the public school system.[6]

Through our survey and subsequent field work we identified**:**

- 101 parent/partner programs, operated by 92 school districts; and
- An estimated 9,016 FTE students enrolled in these programs in the 2004-05 school year.

Thus, parent/partner programs account for 37 percent of all ALE programs, and 46 percent of all ALE FTE students. At the current statewide funding level previously noted, **the state is providing approximately $36.8 million of annual Basic Education funds for students enrolled in these programs**. Additional information on parent/partner programs and enrollment in presented in Chapter 2.

For purposes of comparison, there are approximately 19,300 students statewide who have formally registered with their local school districts as being totally home-schooled.

[6] Parent/partner programs are sometimes confused with another public-school option available to home-schooled students. Under RCW 28A.150.350, home-schooled students are able to access public-school classes or ancillary services (such as counseling, testing or remedial instruction) on a *part-time* basis. This part-time option has differed from parent/partner programs in that the school retains supervisory responsibility only for the time the student actually spends in a class or ancillary service, and correspondingly, the school district only receives prorated funding for that amount of time. [Note: Historically, home-schooled students were prohibited from enrolling in ALE programs on a part-time basis. If they wanted to enroll in such a program they could only do on a full-time basis, but the consequence of doing so was that they became a full-time public school student and, in so doing, lost their status as a home-schooled student. Pursuant to the recent rule revisions, this will change in the 2005-06 school year, when for the first time home-schooled students will be able to enroll in these programs on a part-time basis. The impact and ramifications of this change are discussed in Chapter 3.F of this report.]

WHAT IS THE HISTORY OF THESE PROGRAMS?

OSPI established the current rules governing ALE programs in 1988, but a forerunner to that rule goes back to at least 1980. Former OSPI staff stated that the number of ALE programs began to increase in the early to mid-90s. To provide further structure for these programs, OSPI amended the rules in 1995. Two of the changes led directly to the growth in parent/partner programs.

The first change opened the programs up to students in grades K-8, whereas previously they had been limited to high school students. The second major change was modifying the rule to provide that *a portion of the alternative learning experience may be provided by the student's parent(s) or guardian under supervision by school staff.* It is unclear whether this was allowed prior to 1995, but this at least marked the first time that parental instruction was explicitly permitted. Among the 94 programs for which a beginning date is known, 82 began in 1996 or later, while only 12 began prior to that time.

Since a major purpose of this study is to assess the adequacy of the existing ALE rules, it is important to note that at least since 1998, OSPI has acknowledged that portions of the rules were inadequate, and the agency had previously proposed making some fairly significant revisions to them. OSPI was not successful in doing so, however, until this past spring, following the passage of SSB 5828.[7] The new rules are not identical to those proposed earlier by OSPI, but they are based at least in part on the earlier proposals. The new rules are scheduled to take effect prior to the beginning of the 2005-06 school year.

WHAT ARE SOME OF THE ISSUES AND CONCERNS REGARDING PARENT/PARTNER PROGRAMS?

The major questions and concerns related to these programs – which in many cases were initially raised by representatives of the state's home-school organizations – pertain to issues of program funding and quality. These include:

- Allegations that some programs fail to comply with existing regulatory requirements that are intended to assure overall program quality;
- The overall appropriateness of school districts receiving full basic education funding for what some view as less than full-time services; and
- Allegations of questionable spending practices in some programs.

These concerns, and the adequacy of OSPI's existing rules to address them, are the primary focus of this report.

As noted, many of the concerns listed above were initially raised by representatives of home-school organizations within the state. Many of these same representatives also express concerns

[7] The ALE rules are fiscal rules, and could affect how a full-time student is defined for funding purposes. RCW 28A.150.260(2)(c) requires that any revision to the current definition cannot take effect until approved by the House and Senate fiscal committees. OSPI sought approval for its proposed rule changes in 2002, but its request was not acted upon. Our understanding is that the reason for this resulted primarily from concern over the potential fiscal impact of one of the proposed changes; that being to allow part-time enrollment in ALE programs. SSB 5828 specifically allows for part-time enrollment in online and digital ALE programs.

regarding issues that are more directly related to home-schooling. These range from the previous prohibition against home-schoolers enrolling in parent/partner programs on a part-time basis, to allegations that the programs are not forthright with parents about the fact that students lose their "home-school status" upon their enrollment in a parent/partner program (because parent/partner program students are public-school students). These concerns are addressed in Chapter 3.F of this report.

SIMILAR PROGRAMS IN OTHER STATES

We contracted with the Washington State Institute for Public Policy to assess the extent to which other states offer publicly funded programs similar to parent/partner programs. In brief, the answer is that Washington is quite unusual in providing this type of program.

No other state offers a program identical to Washington's parent/partner programs, and only two states – California and Alaska – fund programs that could be considered at all similar. Seven other states, including Oregon, provide some type of program or service, but to varying degrees they each differ significantly from Washington's programs in key respects. Oregon is noted separately here because, while their programs differ from Washington's, the state has certain regulatory requirements in place that could serve as a model for Washington. These requirements are discussed later in this report.

Forty-one states provide no public education support to families who choose to provide their children's education in the home, other than allowing such students to access regular public school classes or ancillary services on a part-time basis.[8]

Additional information on programs in other states is presented in Appendix 6.

THE ROLE OF THE STATE AUDITOR'S OFFICE IN THIS STUDY

As previously noted, this study is a joint effort between JLARC and the State Auditor's Office (SAO). The SAO began examining these programs in 2003 prior to the current study mandate, in response to concerns brought to its attention by representatives of Washington's home-school organizations.

During the first year of its work, the SAO conducted a general review of ALE programs in 25 school districts. Based on the results of that work, and the 2004 study mandate, the SAO conducted a more intensive review of programs in 18 additional districts, focusing in particular on parent/partner programs.

Because of its extensive work in this area, JLARC and the SAO agreed that the SAO would assume major responsibility for one of the study's key objectives: *identify problem areas related to operation of ALE programs, including any potentially involving the misuse of public resources.* Therefore, throughout this report, the SAO's work serves as a major basis for identifying and documenting problems related to the operation of these programs.

[8] Nearly all states, including Washington, allow home-based students to access regular public school classes or ancillary services on a part-time basis. Schools receive prorated funding only for the time students actually spend in the class or ancillary service.

REPORT FORMAT

Chapter 2 of this report presents more detailed information on parent/partner programs in Washington, including the number, locations, and enrollment of such programs, as well as additional descriptive information.

Chapter 3 focuses on problem areas and issues related to these programs. There are six sub-chapters, with each one focusing on a particular issue area. As has been previously noted, the rules governing these programs have recently been revised. In some cases, we conclude the revisions will adequately address the identified problem. In other cases we conclude that additional actions should be taken or considered, and we make recommendations accordingly.

Chapter 4 provides our concluding discussion and a summary of our eight recommendations.

CHAPTER TWO – PARENT/PARTNER PROGRAMS IN WASHINGTON

INTRODUCTION

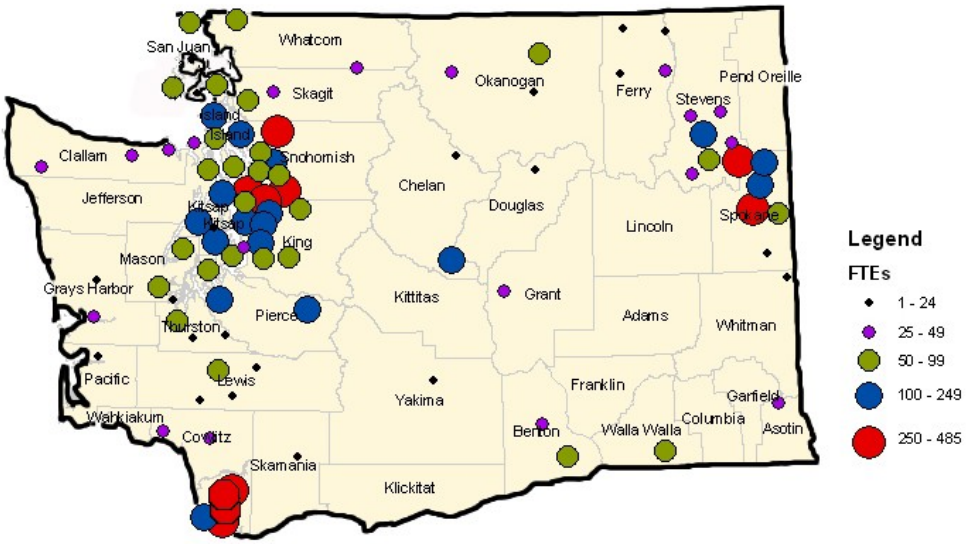
This chapter provides additional background and descriptive information on parent/partner programs in Washington. The statistical information presented in the first part of the chapter derives primarily from a survey we conducted of the state's school districts during the fall of 2004. In some cases the survey information was supplemented through site visits and/or follow-up telephone calls.

The programmatic information presented in this chapter was gathered primarily through a more limited number of program site visits and telephone interviews. This information does not represent a comprehensive overview of the programs, but rather is intended to provide some insight into how these programs are structured and how they operate.

NUMBER, LOCATION, AND ENROLLMENT OF PROGRAMS

We identified a total of 101 parent/partner programs, operated by 92 separate school districts, enrolling an estimated 9,016 full-time equivalent (FTE) students in the 2004-05 school year. Figure 2 below shows the location and relative size of the programs. Figure 3 on the following page presents a summarized listing of the programs by Educational Service District (ESD). A complete listing of all 101 programs is presented in Appendix 7.

Figure 2 – Location and Size of Parent/Partner Programs in Washington



Source: JLARC.

Figure 3 – Summary Listing of Parent/Partner Programs by Educational Service District (ESD)

ESD	Counties Included	Total Programs	Est. 2004-05 FTEs	Three Largest Programs in Each ESD		
				School District	Program Name	Est. FTEs
101	Adams (part), Ferry, Lincoln, Pend Oreille, Spokane, Stevens, Whitman	18	1446	Deer Park	Home Link	332
				Spokane	The Enrichment Cooperative	261
				Mead	Educ. Partnership Program	180
105	Grant (part), Kittitas, Klickitat (part), Yakima	1	15	Yakima	Homeschool Program	15
112	Clark, Cowlitz, Klickitat (part), Pacific (part), Skamania, Wahkiakum	8	1446	Battle Ground	River Home Link	350
				Battle Ground	Home Link	298
				Battle Ground	CAM Jr./Sr. High School	295
113	Grays Harbor, Lewis, Mason (part), Pacific (part) Thurston	14	346	Tumwater	Secondary Options	72
				Onalaska	Contract Studies Program	63
				Shelton	Parent Home Partnership	55
114	Clallam, Jefferson, Kitsap (part), Mason (part)	10	891	Central Kitsap	Off-Campus	218
				North Kitsap	Parent Assisted Learning Program	205
				South Kitsap	Explorer Academy	145
121	King, Kitsap (part), Pierce	18	1862	Northshore	Home School Networks	301
				Lake Washington	Family Learning Center	201
				Seattle	Home School Resource Ctr.	195
123	Adams (part), Asotin, Benton, Columbia, Franklin Garfield, Walla Walla	4	214	Walla Walla	Home link	82
				Kennewick	Mid-Columbia Parent Partnership	76
				Kiona-Benton	Alternative SC	30
171	Chelan, Douglas, Grant (part), Okanogan	7	302	Wenatchee	Valley Academy Of Learning	165
				Tonasket	Outreach Program	50
				Quincy	Contract Classes	30
189	Island, San Juan, Skagit Snohomish, Whatcom	21	2494	Monroe	Sky Valley Education Ctr.	485
				Edmonds	Home School Resource Ctr.	409
				Arlington	Stillaguamish Valley School	261
	TOTALS	101	9016			

Enrollment By Size of Program: Programs range in size up to 485 FTE students. Figure 4 below shows the distribution of programs by the number of FTE students. The median number of FTE students in a parent/partner program is 55.

Figure 4 – Distribution of Parent/Partner Programs By Number of FTE Students

Program Size By FTEs	Number of Programs	Percentage of Programs	Total FTE Students	Percentage of FTE Students
250 - 485	10	9.9%	3243	36.0%
100 - 249	17	16.8%	2744	30.4%
50 - 99	27	26.7%	1914	21.2%
25 - 49	23	22.8%	867	9.6%
0 - 24	24	23.8%	248	2.8%
Total	101	100.0%	9016	100.0%

Enrollment as a Percentage of Total District Enrollment: We also examined parent/partner program enrollment as a proportion of a school district's total enrollment.[9] Among the 92 districts that operate such a program, the median percentage of parent/partner FTE's as a percentage of total district FTE's is 1.8 percent. In 16 districts, however, that percentage is higher than 5 percent, and in five districts the percentage is higher than 15 percent. The two highest districts, both located in Stevens County, have percentages of 49 and 42 percent, respectively.

PROGRAM TYPES AND STUDENT DEMOGRAPHICS

While there is no formal distinction, our observation is that there are generally two main types of parent/partner programs. The first are programs that are targeted primarily towards those whose *first choice* is to provide some of their children's education in the home – those who might be considered most similar to traditional home-schoolers. The second type are targeted more towards students who may have initially chosen traditional public schools, but for various reasons either did not excel there or had trouble adjusting to them. In this sense, these latter programs are probably more similar to other types of ALE programs such as those that are housed within alternative schools.

Although there are no firm figures on the numbers of each type of program, our survey data suggests that the first type noted above is far more prevalent. Most notably, it is reasonable to expect that these programs would allow enrollment in the elementary grades, while the other type of program would focus more on older students. The data below show that a large majority of parent/partner programs do enroll younger students.[10] It also shows these programs have far fewer students considered to be "at risk," as compared to programs that limit enrollment to older students.

- A total of 75 parent/partner programs, accounting for 7,942 FTE students, allow enrollment for elementary grade students, with most allowing for grades K-12. Our survey of school districts asked respondents to indicate for each program the proportion of students estimated to be "at-risk." For these 75 programs, the median response was 10 percent, which was far lower than for ALE programs as a whole.

- Twenty-five programs, accounting for 1,074 students, limit enrollment to older students, with 15 programs limited only to grades 9-12, and 10 programs also allowing for middle school students through grade 12. Among these programs, the median response for the proportion of students considered to be at-risk was 90 percent. This is consistent with what was reported for ALE programs as a whole.

Related to program type is the issue of where students in parent/partner programs would go if the programs were not available. That is, would they go to traditional public schools or private schools, would they home-school, or would they drop out of school altogether? We asked this question during our site visits, and by far the most common response was that most of these students would likely go to complete home-schooling. No program indicated that a majority of its students would go back to public school.

[9] Nine school districts operate multiple parent/partner programs. For this analysis, we combined enrollment in these programs to arrive at a district-wide total. Total district FTEs were based on figures through March 2005.
[10] Data on the grade levels offered was not available for one program.

ADDITIONAL PROGRAM CHARACTERISTICS

The following information was derived primarily through site visits and telephone interviews we conducted with representatives of 27 parent/partner programs. We tried to select programs of differing sizes and locations throughout the state, but the programs contacted do not constitute a representative sample of all programs. Still, the information gathered provides some useful insight into how these programs are structured and how they operate.

Basic Program Models: Until program rules were recently revised, ALE students either had to attend school for an average of at least five hours per week or meet one-on-one with school staff for an average of one hour per week. These two alternatives can be thought of as program "models," and most programs tend to operate primarily using one or the other. Of the 22 programs for which we were able to gather this information, 16 (73 percent) primarily used the "five-hour" model, while only three (14 percent) primarily used the "one-hour consultation" model. Three programs reported using a combination of both. Programs using the five-hour model reported that students may actually attend class one or two days per week, totaling from five to 12 hours of class time.

Curriculum/Course Work: There are no specific requirements governing the courses or curriculum that may be offered through parent/partner programs. During our site visits we asked program staff various questions about the curriculum they used, including whether it was generally standardized among students, and if it was consistent with what was used in the district's traditional schools.

While there was wide variation in the responses we received, our sense was that in most programs the curriculum is not standardized, but instead varies widely by individual student. Most programs – but not all – reported that while they attempt to tie their curriculum to state and district learning goals, the curriculum is generally not consistent with what is offered through other district programs. Programs also differ in the extent to which they focus on or offer courses such as English, reading, mathematics, history and science, as opposed to more arts or physical education oriented courses.

This contrasts with other types of ALE programs. The State Auditor's Office noted, for example, that most ALE programs that are not parent/partner or Internet-based offer the same courses and use the same instructional materials as in the district's regular schools.

Facility Location: Though parent/partner programs are distinguished by off-campus instruction, nearly all have a centralized facility where students come for classes one or two days per week, or to meet one-on-one with school staff. Among the 25 programs for which we were able to gather this information, 12 programs were housed within some type of school facility, either in an actual school or portable building, or in an administrative or maintenance building. Six programs were housed within either a current or former church building, three were located in commercial or light-industrial facilities, and three were located in other miscellaneous facilities. One program had no centralized facility; its single teacher conducts weekly visits with students at their homes.

STAFF AND PARENT PERCEPTIONS OF PROGRAM BENEFITS

During our site visits, the large majority of program representatives we met with impressed us as professional and reasonable individuals, fully committed to their programs and the general philosophy embodied within the type of schooling they provide. They clearly view their programs as working to improve the quality of each student's overall educational experience.

Staff from at least two different programs commented to the effect that parental involvement has been shown to be a major determinant of a child's success in terms of education, and "they are the ultimate in that." Some also commented that many children who receive home-schooling in their early years ultimately transfer into regular public schools as they reach high-school age, and these individuals viewed their programs as helping students prepare for that.

In addition to the most obvious benefit of having professional educators involved in most programs, other benefits mentioned either by staff, or parents of students who contacted us, include:

- Having access to a wide variety of curriculum opportunities;
- Having access to a wide range of resources, including: instructional materials, libraries, computers, science labs, physical education opportunities, and field trips;
- Socialization opportunities for both students and parents, as well as "networking" opportunities for parents to help share ideas; and
- General help and guidance to parents, enabling them to better educate their children.

CHAPTER THREE – PARENT/PARTNER PROGRAM ISSUE AREAS

INTRODUCTION

This chapter focuses on the various concerns and issues that have been raised with respect to ALE parent/partner programs, and that led to the mandate for this study. We also examine issues that either JLARC staff, or the State Auditor's Office, identified during the course of the study. These have been categorized into six broad issue areas, with each one being addressed in a separate sub-chapter as follows:

- Chapter 3.A: General Regulatory Framework [Note: this issue area is different than those that follow in that it has not specifically been identified as an area of concern. We address it first, however, because it helps set the stage for some of the discussion and recommendations that follow.]
- Chapter 3.B: Quality Assurance Requirements
- Chapter 3.C: Program Oversight and Accountability
- Chapter 3.D: Use of Religious Curriculum and Instructional Materials
- Chapter 3.E: Program Funding and Spending
- Chapter 3.F: Issues of Concern to Home-Schooling Interests

As noted in Chapter 1, the rules governing ALE programs have recently been revised, and related legislation has also passed. So, in a number of cases, the problems identified in the report have already been addressed. In other cases, however, either the issue was not addressed in the revised rules or legislation, or we feel additional actions are warranted or should be considered, and so we make recommendations accordingly.

CHAPTER 3.A – GENERAL REGULATORY FRAMEWORK

As has been previously noted, ALE programs are a creation of administrative rule rather than statute. The rules were promulgated by the Office of Superintendent of Public Instruction (OSPI) as part of a broader series of rules on how to apportion state Basic Education funding. An informal Attorney General's opinion concluded that OSPI had ample authority to adopt the rules.

Like many states, Washington has a long tradition of local control in terms of the operation of its public school system. In that vein, while OSPI staff said they have tried to provide leadership in such areas as proposing necessary rule revisions, they do not view it as their proper role to provide direct oversight for or ongoing monitoring of these programs. Their expectation is that operation of the programs is appropriately left to each local school district.

On at least two occasions, in 1999 and 2004, the Legislature considered legislation to formally establish ALE programs in statute. The 1999 legislation (HB 2190) did not receive a hearing. In 2004, the House approved legislation (2SHB 2704) on a 90 to five vote, but the bill did not come up for a vote in the Senate. Related legislation passed this year (SSB 5828), but its focus was on digital learning programs and courses. While many such programs are ALE programs, they do not have to be, and the legislation did not reference ALE programs directly.

CONCLUSIONS/DISCUSSION

The lack of direct statutory authorization for ALE programs limits direct legislative oversight and control over them. Given recent concerns over these programs, and the fact that the state currently invests about $80 million in them per year, the Legislature may wish to consider establishing ALE programs in statute (assuming that the Legislature determines this type of public school programming should be continued). Doing so would better enable the Legislature to have more direct input into the various issues surrounding these programs, including those that are addressed later in this report. This would also be consistent with action the Legislature took during the 2005 Legislative Session related to digital and online programs.

RECOMMENDATION

Recommendation 1

The Legislature should consider legislation to establish alternative learning experience programs in statute.

CHAPTER 3.B – QUALITY ASSURANCE REQUIREMENTS

Because of the basic structure of parent/partner programs – the fact that most instruction is provided by parents and takes place outside of the school – questions and concerns have been raised as to their overall quality. OSPI itself has had long-standing concerns, as evidenced by its attempts over the past several years to revise the rules that govern ALE programs.

This chapter focuses on key regulatory requirements related to quality assurance. In particular, it focuses on four requirements that most directly affect the individual student. (Other regulatory requirements also deal with issues of quality, but more from the perspective of program oversight, and these will be addressed in Chapter 3.C.) Each of the areas discussed below are ones which OSPI has already addressed – in most cases satisfactorily – through its recent rule revisions.

This chapter focuses only on the rules themselves. Just as important is the issue of compliance with the rules, which is also addressed in the next chapter.

General Curriculum Requirements

ALE program rules in effect when this study began – the "old program rules" – included only two very general requirements related to curriculum: 1) all curriculum and course requirements were to be approved by the local school district; and 2) the course of instruction for each student was to be provided pursuant to a written learning experience plan that was "designed to meet the individual needs of the student." Regarding curriculum, the learning plan was only required to include a description of the "learning activities" the student was expected to complete, and a description of the "teaching component" of the program.

In addition to these requirements, OSPI staff note that ALE programs must also comply with various statutory requirements related to all public education programs, even though program rules do not explicitly reference them. A key example is the statutory requirement that instructional materials be provided in accordance with a district approved policy and approved by the local school board based upon recommendations of an instructional materials committee (RCW 28A. 320.230).

The revised rules establish several additional requirements and expectations regarding curriculum issues. Significant changes include:

- Districts must designate one or more school district officials as being responsible for approving specific alternative experience programs or courses.
- ALE programs are required to satisfy the State Board of Education's requirements related to both "courses of study and equivalencies" and high school graduation requirements.[11]

[11] Chapters 180-50 and 180-51 WAC.

- "Curricula, course content, instructional materials and other learning resources" are required to be, at a minimum, consistent in quality with those available to a district's overall student population.
- Instructional materials are explicitly required by the rules to be provided in accordance with a district's overall policy on instructional materials.
- Individual student learning plans must include more specific information related to curriculum, including:
  - A description of specific learning goals and performance objectives;
  - Identification of all essential instructional materials;
  - Identification of whether the course of study meets "one or more of the state essential academic learning requirements or any other academic goals, objectives, and learning requirements defined by the district;" and
  - Identification of whether, for high school students, the plan meets state and district graduation requirements.

While the new rules require a student's learning plan to indicate *whether* the course of study meets one or more of the state's essential academic learning requirements, there is no requirement that the plan actually does so. Some states do require a more direct tie-in. Oregon, for example, requires that its publicly funded program serving home-schooled students "must assist the students in achieving the local and state academic standards."

Role of Certificated Staff

The old program rules did not require the involvement or participation of certificated staff in any facet of a program's operations or a student's course of instruction.[12] Student performance was only required to be supervised and evaluated by "school staff," a student's learning plan only had to be approved by a "school official," and a student only had to have weekly contact with "qualified school staff."

The revised rules now require substantially more direct involvement of certificated staff. Significant changes include:

- Student progress must now be "supervised, monitored, assessed and evaluated" by certificated staff;
- Certificated staff are now explicitly invested with "primary responsibility and accountability" for a student's written learning plan;

[12] The only reference to certificated staff in the old rules was as part of an overall funding requirement. Programs could meet the requirement in one of two ways: 1) maintain a certificated staff-to-student ratio equivalent to the district's regular basic education program; or 2) spend 70 percent of the funds received for the program on the program itself. The State Auditor's Office reported that among the programs it reviewed, nearly all met this requirement through the spending portion of the requirement, rather than the staffing portion.

- Students are now required to have direct personal contact with certificated staff at least weekly;
- Annual program reports must describe how certificated and classified staff are assigned management and instructional responsibilities within each program; and
- The overall ratio of certificated instructional staff to students for each program must now be explicitly identified and approved by the local school board (although no minimal ratio is established).

Contact Requirements

Under the old program rules, ALE students either had to attend school for an average of at least five hours per week, or meet one-on-one with school staff for an average of one hour per week. This latter requirement was broadly interpreted to mean "face-to-face" contact.[13]

In our Interim Report, we noted that the face-to-face portion of the contact requirement was problematic for some digital and online ALE programs because many of their students live outside the district, far away from the program site. The issue then became whether it would be acceptable to allow contact by telephone, e-mail or other electronic means to substitute for face-to-face contact, a change that OSPI had previously proposed.

While acknowledging the face-to-face requirement might not be necessary in all instances, we concluded that eliminating it entirely might not be appropriate for all programs, such as those that serve younger children who would likely benefit from more direct guidance. We recommended a middle-ground approach: that OSPI retain the existing requirement, but amend its rules to provide for a process whereby districts could waive it for programs that met certain criteria, to be developed by OSPI.

In its revised rules, OSPI completely eliminated all minimum in-class or contact-time requirements, meaning the requirement for at least five hours in school or one hour of face-to-face contact. Students will only be required to have "direct personal contact with school staff at least weekly," but no minimum amount of time will be required. The contact must be for purposes of "instruction, review of assignments, testing, reporting of student progress, or other learning activities." The contact is required to be face-to-face, but generally consistent with our earlier recommendation, the rules grant local districts the authority to permit the contact to be by telephone, e-mail or other means if the local board determines that doing so will not compromise the educational quality or fiscal integrity of the district.

Student Assessment

Under the old rules a student's educational progress was required to be reviewed at least once during the first 20 school days, and then at least quarterly thereafter. The reviews were not required to be conducted by certificated staff.

[13] Current and former legislative staff indicated that the basic rationale for establishing this rule – at least the one hour of face-to-face contact portion – was that in a traditional high school setting there would be 25 students in a classroom with one teacher for 25 hours per week, which equate to an average of one hour of student/teacher contact per week. In this way, the two could be considered as being roughly comparable.

OSPI strengthened these requirements in its revised rules. Each student's educational progress is to be reviewed at least monthly by certificated staff, with the review based on the learning goals and performance objectives specified in the student's learning plan.

The revised rules also require that the educational progress of all full-time ALE students be assessed annually using standard state assessments (i.e., the Washington Assessment of Student Learning, or WASL, test). Part-time students who receive home-based instruction, however, are exempted from having to take the state assessments. This is noteworthy because throughout our study we heard many comments that some parents would likely change their children's parent/partner program enrollment status from full-time to part-time specifically in order to avoid having to take the state assessment test.

CONCLUSIONS/DISCUSSION

In nearly all instances, we think the rule revisions identified above are positive steps that should improve the overall quality of ALE programs in general, and parent/partner programs in particular.

The exception is OSPI's decision to eliminate minimum in-class or one-on-one contact time requirements. We question the advisability and appropriateness of eliminating these minimum time requirements, particularly for programs like parent/partner programs that often serve a large number of elementary-age students.

To their credit, OSPI's new rules focus more attention on ALE program courses and curriculum. There is no requirement, however, that program offerings be required to address state and district learning goals. The Legislature may wish to consider whether it believes such a requirement would be appropriate.

RECOMMENDATIONS

Recommendation 2

The Legislature should consider whether minimum contact time requirements should be re-imposed for ALE programs, particularly those serving younger students.

Recommendation 3

The Legislature should consider whether curriculum and courses provided through ALE programs should be required to address state and district learning goals.

CHAPTER 3.C – PROGRAM OVERSIGHT AND ACCOUNTABILITY

Following up on the previous section, this section also looks at regulatory requirements that can directly impact program quality, but it focuses on those that pertain to program oversight and accountability. The section reviews OSPI's recent rule revisions in these areas, and examines another key issue related to program quality – compliance with the rules.

Significant Rule Changes

Under the old ALE program rules, the only oversight-related requirement was that each district claiming funding had to have on file a written policy related to alternative learning experiences that had been adopted by the school board in a public meeting. The policy had to include such items as requiring that each student have a written learning plan, that all curriculum and course requirements be approved by the school district, and that records be maintained and available for audit. There were no reporting requirements of any kind, including reporting on the number of ALE program and student enrollment to OSPI.

OSPI strengthened these requirements considerably in its revised rules. New requirements include:

- School boards in districts claiming funding will have to adopt, and annually review, written policies for each alternative learning experience program.
- Districts will be required to "designate one or more school district official(s) responsible for approving specific alternative learning experience programs or courses, monitoring compliance . . . and reporting at least annually to the . . . board on the program." The rules detail a long listing of information that is required to be included in the report.
- Districts offering such programs will be required to "engage in periodic self-evaluation … in a manner designed to objectively measure their effectiveness, including the impact of the experiences on student learning and achievement." The results of the evaluations are to be included in the annual reports submitted to the local board.
- Districts claiming funding will also be required to report annually to OSPI on the types of programs and courses they offer, including headcount and FTE enrollment data. Districts will also have to report on the certificated staff-to-student ratios for their ALE programs.

Many of the changes outlined above are consistent with recommendations contained in our Interim Report. Specifically, that report recommended that: online and digital ALE programs be approved by the local school board; individual courses be approved by a designated district official: that an annual report on the programs be prepared for the local board; programs be required to include a self-evaluation component; and districts report annually to OSPI on their ALE programs and the number of students enrolled. While the Interim Report's recommendations were directed to online and digital programs only – because that was the main

focus of that report – we noted that the recommendations might be appropriate for all ALE programs.

Compliance Issues

In its two-year review of ALE programs, the State Auditor's Office (SAO) found a substantial lack of compliance with ALE program rules on the part of many school districts and programs.[14] Some of the SAO's key findings are summarized below (while others are discussed in later sections of this report). Additional information can be found in the SAO's full report, which is included as Appendix 3.

Overview of Fiscal Year 2003 Findings

In FY 2003, the SAO audited ALE programs in 25 school districts, representing just over 40 percent of the total number of ALE students that year. It identified a number of significant program compliance issues, including some degree of non-compliance in each district. Specific findings included:

- 12 percent did not have required district program polices;
- 60 percent had incomplete (or had no) required student learning plans;
- More than half lacked documentation for tracking in-class and out-of-class hours;
- More than half lacked required student evaluations;
- 40 percent had questionable course approval processes; and
- 96 percent incorrectly calculated the number of student hours submitted for state funding.

Due to the significant lack of compliance with program requirements on the part of many districts, the SAO determined further examination was necessary so it continued its review through the 2004 fiscal year audit cycle.

Overview of Fiscal Year 2004 Findings

In FY 2004, the SAO completed audits at 18 districts offering 49 different ALE programs, including 17 parent/partner programs. (The SAO focused its review on districts with at least 200 full-time ALE students.) Significant findings are noted below.

District Policies: Although all districts reviewed had the required board-approved policy related to ALE programs, none of the policies were individualized to reflect differences in programs between districts. Instead they simply restated the language of the WAC requirement. The SAO also found that most districts did not comply with their own policies for many program students.

Course and Instructional Material Approval: In many parent/partner programs the required approval process for course curriculum and materials is not clear, and does not follow the statutorily required process regarding a district's instructional materials committee. Instead,

[14] The SAO's review was based on the ALE rules in effect at the time of the review.

learning plans are often prepared by the parent, and do not identify the learning materials that are to be used. (Note: this and related findings are discussed in more detail in Chapter 3.D, which deals with religious curriculum.)

Student Learning Plans: Because ALE programs are individualized, program rules require that a written learning plan be prepared for each student that identifies basic elements of the course of instruction such as: what the student will be learning; how the instruction will be provided; when the plan begins and ends; and the number of required hours. The overall compliance rate found by the SAO for key elements required to be addressed in the plan included:

- Course description sufficient to guide student: 55 percent compliance;
- Beginning and ending dates for instructional program: 48 percent compliance;
- Identification of planned hours of educational activity: 50 percent compliance; and
- Tracking of required one-on-one meetings: 29 percent compliance.

Student Evaluations: Program rules in effect when the SAO conducted its review required that student progress be evaluated within the first 20 days of the program, and every 45 days (quarterly) thereafter. The SAO found only 41 percent of districts met the 20 day requirement, and 45 percent with the 45 day requirement.

Full-Time Equivalency: Due to a lack of sufficient documentation in all 18 districts it reviewed, the SAO was unable to accurately determine how many full-time equivalent (FTE) students were enrolled in the programs they examined. The SAO reviewed records for 860 *reported* FTE students, but because of documentation problems, could only verify 670 FTE students – or 78 percent of the total reported for funding purposes. The SAO noted that the FTE reporting requirements upon which these findings were based involved the use of a "cumbersome" formula that has been eliminated in OSPI's revised rules.

In many instances, the SAO found that individuals responsible for developing, operating, and administering ALE programs do not have a solid understanding of basic program rules and how they are to be applied. This extends to such fundamental issues as understanding what truly qualifies as an ALE program, and what activities can be counted as educational for reporting purposes. The SAO also found wide and varying interpretations of such basic matters as what really is required to be included in a student's learning plan. The SAO reported that most districts expressed a desire for more guidance in these areas. We heard similar comments during many of the site visits we conducted.

Based on our conversations with OSPI staff, that agency does not view its role as extending to monitoring district compliance with its ALE rules. OSPI has not previously provided any type of formal, written guidelines relative to ALE programs. It has stated, however, that it will be developing "program implementation guidelines" for its new rules over the course of the summer, and expects to have them completed before the beginning of the 2005-06 school year.

Additional Regulatory Options

Because so few states provide services or programs similar to Washington's parent/partner programs, there is little information available in the way of "best" or "model" regulatory practices. The state of Oregon, however, has an oversight-related requirement that may be appropriate to consider for Washington's ALE programs. Specifically, Oregon requires its local districts to annually submit to its Department of Education a formal "assurance" that the district is in compliance with all Oregon standards for public elementary and secondary schools, including those governing alternative programs. Oregon's Department of Education is in the process of developing a "self-assessment" instrument specifically for these programs in the form of a checklist that districts may use to assist them in this annual process.

CONCLUSIONS/DISCUSSION

OSPI's revised rules related to program oversight and accountability are a significant improvement over its old rules. Previously, there were few rules related to oversight, allowing many programs to operate in relative obscurity. The new rules will add substantial visibility to these programs, and will help facilitate additional oversight of them by their local districts.

By itself, however, it is questionable whether additional oversight by the local districts *only* is sufficient. That is how the programs have operated historically, yet as evidenced by the SAO's findings, the degree of non-compliance with program rules has been extensive. Because of that, we think additional reporting requirements to the state are warranted. Something similar to the Oregon model – where districts are required to provide to the state an annual assurance that they are in compliance with all rules – seems reasonable.[15] Basing that assurance on a self-assessment instrument developed by the state education agency also seems reasonable. To facilitate even greater oversight, we suggest that the annual assurance/assessment include information on program spending (this will be discussed further in Chapter 3.E of this report) and that copies are provided to both OSPI and SAO.

To address significant concerns related to documentation issues, the SAO recommends that OSPI develop sample forms for such items as student learning plans and recording of key information relating to funding eligibility. The SAO also recommends that OSPI provide statewide training on ALE programs. We fully concur with the first recommendation and generally concur with the second, although we think the program implementation guidelines which OSPI has stated it will develop could suffice for training.

RECOMMENDATIONS

Recommendation 4

OSPI should amend its ALE program rules to require local school districts claiming funding for ALE students to annually submit to OSPI a written assurance that the district complies with all major program rules identified in WAC 392-121-182. For this purpose, OSPI should

[15] Under WAC 180-16-195, school districts in Washington must annually submit to the State Board of Education (SBE) an assurance form indicating compliance with the state's Basic Education Act provisions. According to SBE staff, however, the existing requirement is at a more global, district-wide level, and does not extend to the individual school or program level. As such, what is proposed here would not duplicate the existing requirement.

develop a self-assessment instrument that identifies all such rules and regulations. The assurance form should also include pertinent fiscal and spending information detailed in Recommendation 7 of this report. OSPI should also require by rule that districts provide copies of the annual assurance form to the State Auditor's Office.

Recommendation 5

OSPI should follow through with its stated intent to develop written program implementation guidelines pertaining to its newly revised ALE program rules. The guidelines should include suggested templates for district recording and reporting of key program information.

CHAPTER 3.D – USE OF RELIGIOUS CURRICULUM AND INSTRUCTIONAL MATERIALS

This section examines the issue of the use or presence of religion-based curriculum and materials in some parent/partner programs. It begins with a brief review of the legal framework surrounding this matter, provides a summary overview of the issue, and then presents the State Auditor's and our own findings.

Existing Legal Framework

All ALE programs, including parent/partner programs, are public school programs, and as such are subject to federal and state constitutional provisions related to the separation of church and state. The Washington State Constitution has two provisions that bear on the issue:

> *"No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment …"* (Article 1, Section 11); and
>
> *"All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence."* (Article 9, Section 4)

Based on these provisions and subsequent court cases, a 1998 informal Attorney General Opinion, referenced earlier in this study, concluded that "it seems well-settled that no 'alternative learning experience' . . . could include religious education or instruction." Advice we received from the Attorney General's Office as a part of this study affirmed that conclusion.

The old ALE rules did not reference this issue directly. However, as noted previously, ALE programs are subject to all other statutory requirements related to public education programs, even though they are not explicitly referenced in the program rules. This includes the requirement that instructional materials be provided in accordance with a district approval policy, and approved by the local school board based upon recommendations of an instructional materials committee.[16]

The newly revised rules also do not reference this issue directly but do include two new provisions that have some bearing on it. The first makes explicit the requirement that materials be provided in accordance with the overall district policy on instructional materials. The second is a new requirement that instructional materials be specifically identified in a student's learning plan. The significance of these changes will become apparent in the discussion that follows. There is also an OSPI policy on this issue that is not well known, and that figures prominently in our review, and this too will be discussed in further detail below.

Overview – Three Issues of Concern

The use of religious curriculum or materials is an issue in some parent/partner programs. In general, there are three areas of concern. The first two are much less common, but probably

[16] RCW 28A.320.230.

more clear-cut than the third. The first involves including direct religious instruction, such as Bible study, as part of a student's learning plan, and the second is the purchase of religion-based instructional materials with program funds. The third area of concern appears to be much more common, but is potentially less clear-cut. It is the use of religion-based instructional materials – purchased by the parents – to support the main program of instruction.[17]

SAO and JLARC Reviews

In its review, the SAO identified five districts – out of the 18 it examined – "that included references to the use of religion-based instructional materials or reading the Bible within the student plans and/or student evaluations." The SAO also identified instances in two districts where program funds had been used to purchase religion-based materials. The SAO also found that parent/partner programs often do not follow the process set out in state law regarding the required approval of instructional materials. The SAO noted that student learning plans often:

> *". . . do not identify materials that will be used in the home. . . [and] some districts assert that if they allow the parents to purchase their own materials at no cost to the district, it is not the district's business what materials are used in the home, even though the district receives state funding for this instructional time."*

This is generally consistent with our own observations and findings from site visits we conducted. Most program staff stated that program funds could not be used to purchase religion-based materials, and that such materials could not be used to support *in-class* activities. But staff in at least four programs stated they did not feel it was their place to approve, or even monitor, the materials that parents purchased and used in their own home. During most of our site visits we specifically asked whether such materials could be used to support a student's learning plan. Of the 22 programs we asked this question, nine said such materials could be used and five said there were no prohibitions against their use (implying, in our opinion, that such materials could be used). Only eight programs reported that such materials could not be used.

Also similar to what the SAO found, five programs reported they did not require instructional materials to be identified in the student's learning plan, as compared to six programs that did require the materials to be identified. (In the other site visits either the question was not asked or we received an ambiguous response.)

Representatives from a few programs acknowledged that the ability to use religion-based instructional materials was important for many parents of students in their programs. One program staff member said that most parents of students in their program were motivated by religion, and that 95 percent likely used such materials at some time or another. Parents affiliated with another program claimed that being able to provide such instruction was the main reason to school their children at home and thus be in the program.

[17] To our knowledge there is no clear or set definition as to what constitutes "religion-based instructional materials." Often in our interviews and site visits such materials were referenced in the context of different companies or publishers that specialize in them. One such example that was frequently mentioned to us early on, and that we subsequently started citing as an example in our later site visits, is *A Beka Book*. On the company's website, under "Textbooks/Materials for Home Schooling," it states: *Over 400 textbooks and teaching aids are available for nursery through grade 12. Biblical teaching is woven throughout all subjects."*

At some of our site visits we asked program staff whether they would support or oppose an explicit requirement that instructional materials in these programs be provided in accordance with the same district policy that governs materials in all other district schools. Among those who provided an unequivocal answer, four said they would support it while six said they would oppose it. Several who opposed such a requirement said imposing it would have a negative effect on program enrollment.

As a final note, representatives from two programs noted that some parents in their programs used materials that would likely be considered to be religion-based, but that the materials were not used for that reason. Rather, they said the materials were of high quality, and they believed that there are relatively few materials on the market that are specifically designed for home-based instruction that are not religion-based.

OSPI Policy – The "Coolican Memo"

In August 1998, the then-Deputy Superintendent of OSPI sent a memorandum entitled *"Clarification Regarding Instructional Material Used in Alternative Learning Experience Programs"* to all ESD superintendents, chief school district administrators and ALE program administrators. The memorandum, often referred to as the "Coolican Memo," concluded that a school district must:

> *. . . assume and exercise responsibility for the instructional content of a student's off-campus learning activities, including the instructional or learning materials used by the student, as a condition to claiming state funding based on the time spent by the student while engaged in such activities.*

The memorandum went on to state that in determining the appropriateness of instructional materials in ALE programs, districts should apply the same standards and criteria that apply to classroom instructional materials. It further noted that:

> *This does not mean that the material must be designed for public school classroom use, but that the materials must not be of a nature that would preclude their use in a public school classroom.*

As above, advice we received from the Attorney General's Office as part of this study affirmed this interpretation.

The Coolican Memo also clearly states that parents are free to supplement these materials with others of their own choosing:

> *Parents or other nonschool district personnel may of course select alternative instructional materials for a student's use at other times* ***outside*** *the time devoted to meeting the requirements of the district-approved student learning plan.* [Emphasis in the original.]

OSPI staff stated that this memorandum has never been retracted, and that it remains formal agency policy. Nonetheless, OSPI has not publicized this policy nor, to our knowledge, communicated it to programs established after the policy was first adopted (at least 49 current parent/partner programs have been established since that time).

Staff of one of the largest parent/partner programs in the state told us it was their understanding that OSPI had specifically disavowed the Coolican Memo, shortly after it was first issued, and that it was not in effect. Our sense, based on our site visits and other interactions with representatives of various parent/partner programs, is that most programs are simply not aware of this policy.

CONCLUSIONS/DISCUSSION

Including direct religious instruction as part of ALE student's learning plans and using public funds to pay for religious materials are inconsistent with state constitutional provisions. The SAO found few such instances, however, and presumably they will be addressed through discussions between the SAO and the districts involved.

More widespread is the failure of school districts and parent/partner programs to comply with the statutory requirement for the approval of instructional materials. The two new provisions included in the revised rules should help address this problem. The provisions explicitly require compliance with statute and require that students' learning plans identify instructional materials.

It appears likely, however, that parent-purchased religion-based instructional materials are being used to support students' learning plans in many parent/partner programs, learning plans over which public school district personnel have direct supervisory control and responsibility.[18] The use of religious instructional materials in these cases would be inconsistent with state constitutional provisions according to advice provided to us by the Attorney General's office.

In light of this, we think it would be advisable and appropriate to provide more specific direction and guidance to parent/partner programs, above and beyond what is required in general terms in statute. In our opinion, the existing policy embodied in the "Coolican Memo" does that. It requires compliance with statute, while setting a clear standard that instructional materials used within a program cannot be of a nature that would preclude their use within a public school classroom – and importantly, it leaves the decision as to what can and cannot be used in a public school classroom up to each local school board.

The existing policy embodied in the Coolican Memo is not being publicized, and so it may be unknown to most programs. We believe it should be more visible, and the program implementation guidelines that OSPI has said it will develop would be an appropriate vehicle for that.

RECOMMENDATION

Recommendation 6

OSPI should incorporate its existing policy related to instructional materials in ALE programs (i.e., the "Coolican Memo") into the program implementation guidelines that it intends to develop for ALE programs. OSPI should also remind all school districts of their obligations under this policy.

[18] We cannot state with certainty that this is occurring because we have not reviewed the materials in question, and such a determination is appropriately made on a case-by-case basis by each local school board.

CHAPTER 3.E – PROGRAM FUNDING AND SPENDING

This section examines two related issues that have long been raised as potential areas of concern regarding ALE programs. The first addresses the issue of what the appropriate funding level for these programs should be. The second issue concerns individual program spending practices, specifically addressing the issue of past allegations of questionable spending on the part of some programs.

Program Funding

As noted in Chapter 1, ALE programs qualify for full basic education apportionment funding, which averages just under $4,100 per full-time equivalent student per year. Most programs for which we were able to gather information (14 of 19) reported they relied entirely on state basic education funding. Five programs reported receiving a small amount of local funding, typically for facility-related costs.

Basis For Full Funding Level: OSPI staff indicated the rationale for full funding of ALE programs derived from the original contact requirements, specifically the requirement that students meet one-on-one with school staff for a minimum of one hour per week. Because this amount of contact was deemed to be essentially equivalent to an assumed standard of one teacher in a classroom with 25 students for 25 hours per week, funding was set at an equivalent level.

Regulatory/Spending Requirements: Under the old program rules, there was only a single requirement broadly related to program spending. Programs either had to maintain a certificated staff-to-student ratio equal to the district's other basic education programs, ***or*** spend at least 70 percent of the funds generated by the program on the program itself.[19] OSPI staff said it was their understanding that the 70 percent level was based on the approximate average amount of direct versus indirect costs in basic education programs statewide at the time the requirement was established.

This requirement has been eliminated in the revised rules, leaving no regulatory requirements related to overall program spending or minimum staffing ratios. OSPI staff state the primary reason for eliminating the requirement was that it may unintentionally have created an incentive for programs to engage in questionable spending practices, an issue that is discussed below. OSPI staff also note that the absence of program-specific funding and staffing requirements is generally consistent with the public education system as a whole.

Compliance: In its review, the SAO found that 17 of 18 districts it tested met the prior funding/staffing requirement. In total, the districts accounted for 49 separate ALE programs, and all but one met the 70 percent expenditure portion of the requirement.[20] The SAO did not gather information by type or category of spending.

[19] This was the common understanding of the requirement. Technically, however, the rule only required that the district spend 70 percent of the funds received for the program. It did not specify that the funds actually had to be spent on the particular ALE program for which the funds were received.

[20] The extent to which programs may also have met the staffing portion of the requirement is unknown, because once programs provided documentation as to meeting the spending portion of the requirement, the SAO did not request further information related to staffing.

Funding Levels in Other States: As has been noted, we identified only two other states that operate programs that are at all similar to Washington's parent/partner programs.

- Alaska has two such program types: statewide correspondence schools and home-based charter schools. The state funds both at 80 percent of the state's regular basic education funding level.
- California groups its home-based charter schools under a broader heading of "non-classroom based charter schools" for policy and funding purposes. Initially these programs were funded at the full per-student basic education rate. In response to concerns over accountability and funding, the California Legislature passed legislation in 2001 that ties funding to minimum quality standards, specifically the amount of program spending on certificated staff and direct instruction and related services as shown in Figure 5 below.

Figure 5 – Amount of Program Spending on Certified Staff and Direct Instruction & Related Services - California

Program Funding Levels as a Percentage of Regular Basic Education Funding	Percentage of Program Spending On:	
	Certificated Staff	Instruction and Related Services
No Funding	Less than 40%	Less than 60%
70 %	40% to 50%	60% to 70%
85 %	More than 50%	70% to 80%
100 %	More than 50%	More than 80%

The California Department of Education estimated that funding reductions imposed following this legislation totaled $32 million, due both to per-student funding reductions and school closures, with at least 14 schools having closed rather than meet the new restrictions. Currently, all home-based charter schools are meeting the most stringent requirements and are being funded at the 100 percent level. A 2005 evaluation of the impact of the 2001 legislation, conducted by the Rand Corporation for the California Legislative Analyst's Office, concluded that it had "helped curb abuses of the public trust and has increased the fiscal accountability" of non-classroom based charter schools.

Program Spending Practices

As noted above, the SAO found that 17 of the 18 districts it tested met the previous staffing/funding requirement. As part of its review, the SAO also examined what program funds had been used for. In addition to spending funds on certificated teacher and other staff salaries, supplies and materials, the SAO found that ALE program funds had also been used for the following:

Common in parent/partner programs:

- Private horse riding lessons
- Private gym memberships
- Private music lessons
- Lift tickets, ski rentals and ski lessons

Multiple occurrences:

- Rafting and boat trips (two districts)
- Religious instructional materials (two instances in two districts)
- Payment to parents to teach courses on campus (multiple instances in one district)
- Tickets to a zoo and science center for students' siblings not enrolled in the program (multiple transactions in one district)
- Summer camp enrollment (two districts)

Isolated instances:

- A vehicle
- Theme park tickets
- Personal exercise trainer
- Ballet tickets for parents of enrolled students
- Out-of-state travel
- Student transportation to school

The SAO did not find that these types of expenditures were necessarily inappropriate or represented a misuse of public resources. They did note, however, that ALE students were being offered opportunities that were not available to all district students.

Parent Accounts: Some of the types of expenditures identified by the SAO above come out of what are often called "parent accounts," which are used in some – but not all – parent/partner programs. The accounts typically provide a set amount of money per student per year that parents can use to purchase various items, services, or activities. Examples include such things as curriculum or instructional materials, school supplies, lessons or classes (e.g., piano lessons), musical instrument rentals, and memberships in organizations such as the YMCA. Individual programs often have different policies related to what can and cannot be purchased and whether advance approval is required.[21]

Among the 24 programs for which we gathered this information through our site visits, 13 did provide for such accounts, while 11 did not. Among those that did, the minimum amount on a per-student-per-year basis was $300; the median amount was $475, and the maximum amount was $1600.

When we asked program staff about their reasons for allowing certain types of purchases, particularly for activities not widely available to all district students, they often would respond that it was because they didn't have the same breadth of facilities or resources available to them as regular schools – e.g., gymnasiums, pools, band or choir teachers – and these activities helped compensate for that. One program representative said that because of the way their program was

[21] Some programs that do not formally provide these accounts will still purchase similar items, pursuant to their own policies, upon the request of a student's parent.

structured, they have more discretionary funds, which allow them to provide things that other district programs can't.

Regulatory Requirements in Other States: Alaska, which is one of two other states that operate programs similar to Washington's parent/partner programs, does impose specific spending restrictions on those programs. To ensure that most funds in its correspondence schools contribute to instruction in core academic areas, funds spent on instruction in fine arts, music, and physical education cannot exceed 15 percent of the per-student allocation.[22]

Also, in 2004 Alaska imposed spending restrictions on those funds that are essentially the equivalent of parent accounts in Washington's programs. The restrictions prohibit the funds from being used for a wide variety of purposes, including such things as family travel, services provided by family members, and annual passes or family membership to sports or recreational facilities.

CONCLUSIONS/DISCUSSION

In our view there is cause for concern over ALE program funding and spending issues.

- The original rationale for funding these programs at the full basic education apportionment level – that the minimum one hour per week of one-on-one contact time was generally equivalent to one teacher in a classroom with 25 students for 25 hours per week – seems tenuous, at least in the context of parent/partner programs. But that rationale has now disappeared completely since minimum contact time requirements have been eliminated in the new program rules.

- Particularly in light of the above, we question the appropriateness of eliminating the 70 percent spending requirement. In our view, the requirement helped ensure that there was at least some reasonable connection between the amount of funds districts receive for ALE programs and the cost of providing them. We understand the rationale for eliminating the requirement was to eliminate any unintentional incentive for programs to engage in questionable spending, but think there are better ways to accomplish that. (For example, if a program determined it could not meet the 70 percent spending requirement, it could be directed to return any "excess" funds to the state.)

- The SAO's findings on program spending – specifically the examples cited of what some programs have expended funds on – raise the issue of the basic propriety of allowing these programs to spend public funds on items and activities that are not widely available to all district students. Currently, there are no special restrictions on what ALE funds can be used for. OSPI staff report this is generally consistent with the state's public education system as a whole. Yet one of the two other states that operate similar programs has seen fit to impose special spending restrictions on them.

Currently there is insufficient information to make an informed determination as to whether full basic education funding for parent/partner programs – and all ALE programs – is warranted in terms of the level of services provided. To remedy this, and to allow for future consideration of

[22] Core academic courses are defined to include English, mathematics, social studies, science, technology, world languages, and if a student is in special education, any courses required by that student's individualized Education Plan.

this issue, school districts should be required for at least two years to report program spending information to OSPI for each ALE program it operates.

The issue of whether any special restrictions should be established that limit how program funds can be expended is a policy matter. We suggest the Legislature consider if such restrictions would be appropriate.

RECOMMENDATIONS

Recommendation 7

To provide for future legislative consideration of overall program funding levels, OSPI should require local school districts to report spending information for each ALE program the district operates, for at least a two-year period. The information should identify spending by category of expense, as deemed appropriate by OSPI, and should also identify each program's total amount of spending as a percentage of the basic education funding received for that program. The information should be reported as part of the process identified in Recommendation 4.

Recommendation 8

The Legislature should consider whether spending requirements and restrictions should be placed on ALE programs, which could include:

a) Overall minimum program spending requirements, as a percentage of Basic Education funding received for the program;

b) Maximum limits on what are commonly referred to as "parent accounts;"

c) Restrictions on types of expenditures (e.g., for services provided by or for family members, or for materials or activities not broadly available to all district students); and

d) Limits on the amount of program funds that can be used on non-core academic areas.

CHAPTER 3.F – ISSUES OF CONCERN TO HOME-SCHOOLING INTERESTS

This section addresses two issues that have been of particular concern to representatives of home-school organizations within the state: a prohibition against part-time enrollment in ALE programs for students who otherwise home-school; and concern that some parent/partner programs have not informed parents of prospective students about how program enrollment affects their legal status as a public school versus home-schooled student.

Part-time Enrollment

Under the old program rules, home-schooled students – meaning those who were *totally* home-schooled in terms of having no legal connection to the public school system – were effectively prohibited from enrolling in ALE programs on a part-time basis. Representatives of home-school organizations viewed this as being contrary to a statute that otherwise explicitly permits part-time enrollment for home-based students.[23] If home-schooled students wanted to enroll in an ALE parent/partner program, they could only do so on a full-time basis. The consequence of this, however, was that they then became full-time public school students and in so doing, lost certain legal rights they had as home-schooled students. Among these are that home-based students are not required to take the state's standardized assessment (WASL).[24]

In 2005, the Legislature enacted SSB 5828 relating to digital and online programs, some of which are ALE programs. This legislation directed that enrollment in these programs be open to both full and part-time students. Because of the way "part-time" enrollment is defined in statute, this specifically extends to home-based students. In its revised rules, OSPI subsequently eliminated the previous prohibition against part-time enrollment for home-based students for *all* ALE programs. Such enrollment will now be allowed beginning in the 2005-06 school year.

Fiscal Impact: In the past, this issue had been a major concern due to questions about what the fiscal impact would be if part-time enrollment were allowed. Essentially there were two almost contrary schools of thought. Some thought allowing this change would lead to significantly *increased* FTE enrollment, because many current home-based students (those not in public school at all) would enroll in a parent/partner program on a part-time basis since they would still be able to retain their home-school rights. Others thought the change would likely lead to *decreased* enrollment because many students currently enrolled as full-time students in a parent/partner program would change to part-time status, in order to reclaim their home-school rights.

Although the issue is somewhat moot now, since the decision to allow part-time enrollment has already been made, we present the results of our review for informational purposes. In our survey of school districts, we asked respondents how they felt such a change would impact the parent/partner programs in their district. Among districts that operate such programs:

[23] RCW 28A.150.350.
[24] RCW 28A.200.010.

- 64 percent felt the change would have no significant impact on enrollment;
- 18 percent felt it would increase enrollment;
- 10 percent felt it would decrease enrollment; and
- 8 percent had no opinion or felt the question was not applicable to them.

For respondents who indicated they thought the change would either increase or decrease enrollment, we asked "by how much." Their combined responses, when applied to total program enrollment, resulted in a projected enrollment increase of approximately 250 FTE's, or 2.8 percent. It is important to note that this estimate is based on the subjective assessments of survey respondents and therefore should not be considered precise.

Operational Considerations: According to OSPI staff, the degree of a student's "FTE-ness" under the new rules will be based purely on the number of hours specified in the student's learning plan. Depending on what is specified in the plan, FTE level could be based solely on the amount of hours spent in class, or it could also include hours spent in study at home (under the supervision of certificated school staff).

Some program staff have expressed concern over the potential impact part-time enrollment could have on program budgets. On a per-student basis, programs will receive less funding for part-time students, yet they will still have to provide many of the same services as for full-time students: development of a learning plan, monitoring and evaluating student progress, and weekly contact.

A final issue related to part-time enrollment concerns statewide student assessments. Throughout our study we heard many comments that some parents would likely change their children's parent/partner program enrollment status from full-time to part-time specifically in order to avoid having to take the state assessment.

Disclosure of Legal Status

Representatives of home-school organizations expressed strong concern over what they alleged were misleading practices engaged in by some parent/partner programs. Foremost among these was not being forthright with parents about the legal status of program enrollment; specifically, implying that enrollees are home-schooling when in fact they are full-time public school students.

OSPI addressed this issue in its revised rules by including the following provision:

> *A school district that provides one or more alternative learning experiences to a student shall provide the parent(s) or guardian of the student, prior to the student's enrollment, with a description of the differences between home-based instruction pursuant to chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit.*

CONCLUSIONS/DISCUSSION

OSPI's revised rules appear to adequately address the concerns noted above.

We suggest that OSPI informally monitor the effects of allowing part-time enrollment to assess its impact on overall enrollment and individual program operations.

CHAPTER FOUR – CONCLUDING DISCUSSION AND SUMMARY OF RECOMMENDATIONS

The number of parent/partner programs has grown considerably in the past ten years, to the point where there are now approximately 100 such programs enrolling over 9,000 FTE students, at a cost of over $36 million per year. Those affiliated with the programs whom we communicated with during our study, including both program and district staff, as well as parents of enrolled students, appear fully committed to and enthusiastic about what they perceive as the benefits of this type of educational programming.

Several questions have been raised about these programs, however, and our study – along with the work of the State Auditor's Office – has identified a number of problem areas.

The administrative rules governing these programs have been inadequate in terms of providing for and ensuring overall quality assurance. This is a fact that OSPI itself has acknowledged for some time. The agency had tried for several years to amend its rules but was not successful in doing so until this year.

A compounding problem is that there has been no centralized control or oversight of these programs. The lack of statutory authorization for these programs has limited legislative control and oversight, and OSPI has not viewed it as their appropriate role to provide such oversight. Consequently, the state has provided little guidance to the programs, and they have operated in relative obscurity. Overall control and oversight has been left to the individual school districts. In some cases, however, this has proven to be insufficient, as the State Auditor's Office found a significant level of non-compliance with previous program rules.

The new rules adopted by OSPI during the course of this study are a significant improvement over the previous ones. They provide more quality assurance protections, and will promote greater visibility of, and facilitate local oversight over, these programs. While the new rules will satisfactorily address many concerns, we feel some additional administrative changes and protections are warranted, and make recommendations accordingly. *[Recommendations 4, 5, and 6.]*

Additionally, there are some issues related to the overall operations and regulatory structure of these programs that are essentially matters of policy. We have identified these issues and recommend that the Legislature consider them further. *[Recommendations 1, 2, 3, and 8.]*

Finally, we believe it is legitimate to question what the appropriate funding level for these programs should be. That is, should they continue to be funded at the same level as all other public school programs, or should they perhaps be funded at a different level. Currently, there is insufficient information to answer that question with any certainty. We have recommended implementation of a financial reporting requirement to provide for that information to allow for future consideration of this issue. *[Recommendation 7.]*

SUMMARY OF RECOMMENDATIONS

Recommendation 1

The Legislature should consider legislation to formally establish alternative learning experience programs in statute.

Legislation Required:	Yes
Fiscal Impact:	None
Completion Date:	2006 Legislative Session

Recommendation 2

The Legislature should consider whether minimum contact time requirements should be reimposed for ALE programs, particularly those serving younger students.

Legislation Required:	Yes
Fiscal Impact:	None
Completion Date:	2006 Legislative Session

Recommendation 3

The Legislature should consider whether curriculum and courses provided through ALE programs should be required to address state and district learning goals.

Legislation Required:	Yes
Fiscal Impact:	Indeterminate. It is possible that imposition of such a requirement could lead to enrollment declines in some programs.
Completion Date:	2006 Legislative Session

Recommendation 4

The Office of Superintendent of Public Instruction (OSPI) should amend its ALE program rules to require local school districts claiming funding for ALE students to annually submit to OSPI a written assurance that the district complies with all major program rules identified in WAC 392-121-182. For this purpose, OSPI should develop a self-assessment instrument that identifies all such rules and regulations. The assurance form should also include pertinent fiscal and spending information for the program, as detailed in Recommendation 7 of this report. OSPI should also require by rule that districts provide copies of the annual assurance form to the State Auditor's Office.

Legislation Required:	No
Fiscal Impact:	Uncertain, though not expected to be major. School districts may incur additional administrative costs to ensure their programs are in compliance with all rules. OSPI may incur minor additional staffing costs to develop an assessment instrument, and to review the annual assurance forms submitted by districts.
Completion Date:	By April 1, 2006

Recommendation 5

OSPI should follow through with its stated intent to develop written program implementation guidelines pertaining to its newly revised program rules. The guidelines should include suggested templates for recording and reporting key program information.

Legislation Required:	No
Fiscal Impact:	Minimal
Completion Date:	By November 1, 2005

Recommendation 6

OSPI should incorporate its existing policy related to instructional materials in ALE programs (i.e., the "Coolican Memo") into the program implementation guidelines that it intends to develop for ALE programs. OSPI should also remind all school districts of their obligations under this policy.

Legislation Required:	No
Fiscal Impact:	Indeterminate. It is possible that application of the existing policy could lead to enrollment declines in some programs, or conceivably, the closure of some programs.
Completion Date:	By November 1, 2005

Recommendation 7

To provide for future legislative consideration of overall program funding levels, OSPI should require local school districts to report spending information for each ALE program the district operates, for at least a two-year period. The information should identify spending by category of expense, as deemed appropriate by OSPI, and should also identify each program's total amount of spending as a percentage of the basic education funding received for that program. The information should be reported as part of the process identified in Recommendation 4.

Legislation Required:	No
Fiscal Impact:	Uncertain, though not expected to be major. Local districts may incur some additional administrative costs for tracking ALE program costs. The School District Accounting Advisory Committee may incur minor costs in developing recommendations and/or instructions related to financial coding requirements for school districts.
Completion Date:	Beginning with the 2006-07 school year

Recommendation 8

The Legislature should consider whether spending requirements and restrictions should be placed on ALE programs, including:

a) **Overall minimum program spending requirements, as a percentage of Basic Education funding received for the program;**
b) **Maximum limits on what are commonly referred to as "parent accounts;"**

c) Restrictions on types of expenditures (e.g., for services provided by family members, or for materials or activities not broadly available to all district students); and

d) Limits on the amount of program funds that can be used on non-core academic areas.

Legislation Required:	Yes
Fiscal Impact:	Indeterminate. It is possible that imposition of spending restrictions could lead to enrollment declines in some programs.
Completion Date:	2006 Legislative Session

AGENCY RESPONSES

The Office of Superintendent of Public Instruction and the Office of Financial Management submitted formal responses to this report. These are included in Appendix 2. JLARC's comments follow as Appendix 2A.

ACKNOWLEDGEMENTS

We appreciate the assistance provided by staff of the Office of Superintendent of Public Instruction and the State Auditor's Office. We also appreciate the assistance provided by the different Alternative Learning Experience programs we contacted, and by school districts throughout the state in completing our survey.

Ruta Fanning
Legislative Auditor

This report was provided to members of the Joint Legislative Audit and Review Committee at its October 18, 2005, meeting. Because the Committee did not have a quorum at the October 18th meeting, a formal vote to approve the report for distribution was delayed until the Committee's November 30, 2005, meeting. On November 30, 2005, this report was approved for distribution by the Joint Legislative Audit and Review Committee.

Representative Ross Hunter
Chair

APPENDIX 1 – SCOPE AND OBJECTIVES

Alternative Learning Experience Program Study

SCOPE AND OBJECTIVES

SEPTEMBER 2004

STATE OF WASHINGTON

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

STUDY TEAM

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BACKGROUND

As governed by WAC 392-121-182, an alternative learning experience (ALE) is an individualized course of study that allows off-campus instruction — requiring as little as one hour of face-to-face contact per week — to be claimed by school districts for basic education funding. This course of study provides school districts flexibility to serve a diverse student population, including at-risk students, non-traditional or self-directed learners, parent-partnered students, and distance learners. Although they may serve a similar population, ALE programs are distinct from more "traditional" alternative schools, due primarily to their reliance on off-campus instruction.

Although the course of study in an ALE program is, by definition, individualized, there are a few major program model types. These include parent-partner programs, digital learning or Internet-based programs, and certain forms of contracted education. Although school districts are not required to report their number of ALE students, a recent survey by the State Auditor's Office (SAO) indicates there are as many as 22,000 students, accounting for nearly $90 million in basic education funding annually.

The Legislature has indicated concern over the adequacy of existing program rules to guard against the possible misuse of public resources. Other issues include the appropriateness of current requirements for operating digital learning programs and questions concerning the fiscal impact of potential changes to ALE program rules.

The State Auditor's Office recently completed an initial review of ALE programs in 25 school districts. It identified numerous problems related to compliance with, and a basic understanding of, current program rules. Based partially on those findings, as well as this current study mandate, the SAO is continuing its examination of these programs.

MANDATE

The 2004 Supplemental Budget (Chapter 276, Laws of 2004) directs JLARC and the State Auditor's Office to conduct a legal and financial review of Alternative Learning Experience Programs. JLARC is specifically designated as the "lead agency." Topics are to include but not be limited to: numbers of students served and variations in program types; the adequacy of current program rules and procedures to safeguard against the misuse of public resources; identification of options to address deficiencies; and the potential fiscal impact of any proposed options for changes to ALE programs.

STUDY SCOPE

Consistent with the statutory mandate, this study will examine alternative learning experience programs under WAC 392-121-182, focusing in particular on the issues specified in the mandate and detailed in the proposed study objectives.

STUDY OBJECTIVES

Consistent with the study mandate, the following objectives have been established for this study.

1) Identify the numbers of students served, variations in program types, and funding patterns for Alternative Learning Experience (ALE) programs operated by the state's public school districts under WAC 392-121-182.

2) Identify problem areas related to operation of ALE programs, including any potentially involving the misuse of public resources.

3) Assess the adequacy of existing rules, regulations, and procedures to safeguard against problem areas identified in Objective 2.

4) Identify policy and administrative options to address and correct identified problem areas.

5) Assess the potential fiscal impact of proposed options for changes to ALE program rules.

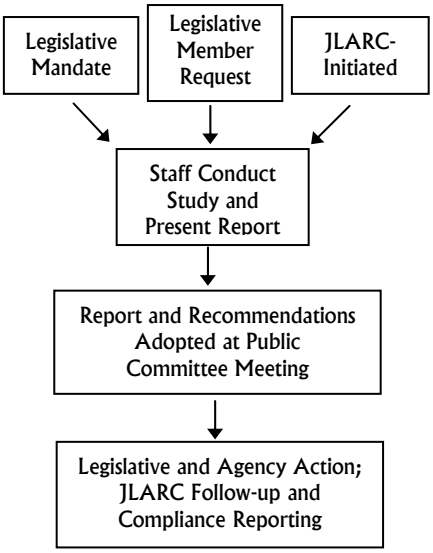
Timeframe for the Study

The study mandate requires JLARC to provide an interim report by February 1, 2005, and a final report by July 1, 2005, to the appropriate policy committees of the Legislature.

JLARC Staff Contact for the Study

Robert Krell (360) 786-5182 krell.robert@leg.wa.gov

JLARC Study Process



Criteria for Establishing JLARC Work Program Priorities

- Is study consistent with JLARC mission? Is it mandated?
- Is this an area of significant fiscal or program impact, a major policy issue facing the state, or otherwise of compelling public interest?
- Will there likely be substantive findings and recommendations?
- Is this the best use of JLARC resources: For example:
  - Is the JLARC the most appropriate agency to perform the work?
  - Would the study be nonduplicating?
  - Would this study be cost-effective compared to other projects (e.g., larger, more substantive studies take longer and cost more, but might also yield more useful results)?
- Is funding available to carry out the project?

APPENDIX 2 – AGENCY RESPONSES

- Office of the Superintendent of Public Instruction
- Office of Financial Management

JLARC's comments on agency responses follow as Appendix 2A.

SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • http://www.k12.wa.us

September 21, 2005

RECEIVED

SEP 21 2005

JLARC

Ms. Ruta Fanning, Legislative Auditor
Joint Legislative Audit and Review Committee
506 16th Avenue SE
Olympia, WA 98504-0910

Dear Ms. Fanning:

Thank you for the opportunity to respond to the Joint Legislative Audit and Review Committee's (JLARC) preliminary report on the Alternative Learning Experience Program Study.

Alternative learning experiences (ALE) represent a vital tool used by school districts to meet the diverse learning needs of students. This preliminary report, in combination with the Interim Report produced by JLARC in February 2005, sheds light on the strengths, challenges, and opportunities presented by this very unique program area. The body of JLARC's high quality work on this issue represents an important resource for policymakers and education practitioners alike.

In general, the Office of Superintendent of Public Instruction (OSPI) supports the content of the report. In fact, JLARC's work, in combination with the efforts of the State Auditor's Office, has been instrumental in establishing a new, more rigorous regulatory framework for ALE. Both the passage of SSB 5828 on digital and online learning during the 2005 legislative session and the amendment of rules which govern ALE by OSPI during the summer of 2005 were informed by this study.

Although we acknowledge the accuracy and value of the report, OSPI does not concur with a number of the report's eight specific recommendations. This is primarily because we believe the new law and the amended rules will substantially improve ALE and increase the accountability of these programs, and thus must be allowed time to influence ALE program practices around Washington State. OSPI's responses to the specific recommendations of the preliminary report are as follows:

RECOMMENDATION	AGENCY POSITION	COMMENTS
Recommendation 1	Neutral.	OSPI defers to the Legislature to make a decision regarding this recommendation. As noted in the body of the report, OSPI has existing authority to adopt rules governing Alternative Learning Experiences (ALE).

RECOMMENDATION	AGENCY POSITION	COMMENTS
Recommendation 2	Do Not Concur—allow time for OSPI's amended rules to work.	The amended rules for ALE provide school districts substantial flexibility to focus on student educational outcomes, rather than on inputs such as specific contact time requirements. This flexibility is provided in combination with greater state and district oversight, with increased teacher accountability for developing, supervising, and monitoring student learning, and with better clarity about the role and importance of the written student learning plan. OSPI believes these changes will improve the quality of alternative learning experiences statewide, and urges the Legislature to allow time for monitoring and review of the impact of these changes.
Recommendation 3	Do Not Concur—allow time for OSPI's amended rules to work.	The amended rules for ALE require written student learning plans to identify whether the plan addresses state or district learning goals. This identification should include specific reference to the relevant state or district goal. OSPI believes this is a sufficient approach to addressing this issue.
Recommendation 4	Do Not Concur.	OSPI does not see benefit in an assurance form, and the notion of a checklist of all state rules and regulations pertaining to such programs is impractical. ALE programs must comply with all the same rules and requirements as "regular" education programs offered by the district. Districts are currently required to submit an assurance annually to the State Board of Education indicating the district complies with all basic education program approval requirements (WAC 180-16-195). OSPI does not believe requiring an additional assurance for ALE programs will have material impact on their compliance with existing state rules and regulations. Further, establishing a checklist such as suggested in this recommendation is tantamount to converting the Common School Manual to a checklist. Because of the scope and size of such a checklist, districts will likely treat it perfunctorily.
Recommendation 5	Concur.	A draft set of guidelines has already been produced and disseminated at nine regional training across the state during the last two

RECOMMENDATION	AGENCY POSITION	COMMENTS
Recommendation 5 (Continued)		weeks of August 2005. The draft is also available electronically on OSPI's Web site. The "final" version will be posted on OSPI's Web site by November 1, 2005.
Recommendation 6	Concur.	Language similar to the "Coolican Memo" is included in the draft program implementation guidelines.
Recommendation 7	Partially Concur.	OSPI agrees that having expenditure information for ALE programs could be useful and informative. However, decisions related to the issue of differential program funding levels should be deferred to efforts of the Governor's Washington Learns education study. Further, OSPI is concerned about the potential costs to local school districts and to OSPI to collect, compile, analyze, and report these data.
Recommendation 8	Do Not Concur—allow time for OSPI's amended rules to work.	OSPI does not concur with this recommendation primarily because not enough data are available to accurately understand current expenditure patterns in ALE programs. a. Minimum spending requirements were one aspect of the previous ALE rules. One could reasonably argue that these requirements actually caused some of the questionable spending practices identified by SAO and JLARC. b. The amended rules require that local school board policy address the issue of "parent accounts," and OSPI's program implementation guidelines provide guidance to programs on this issue. c. Management of expenditure types should be left to local school districts, within existing state and federal laws and regulations, and district policy on reimbursement of parental spending. d. Limiting the amount of program funds that can be used on non-core academic areas might result in unintended consequences related to the narrowing of curriculum options,

RECOMMENDATION	AGENCY POSITION	COMMENTS
Recommendation 8 (Continued)		which could be troublesome given that current state learning goals and state graduation requirements include "non-core" subject areas.

Enclosed for your information are amended WAC 392-121-182 and a comparison of the previous rules to the amended rules.

OSPI appreciates JLARC's work on this study and would particularly like to recognize the efforts of Rob Krell to study, understand, and communicate the complexities of this unique aspect of public education.

Sincerely,

Dr. Terry Bergeson
State Superintendent
of Public Instruction

TB:MTM:dh

Enclosures

cc: Victor Moore, Office of Financial Management
Julie Salvi, Office of Financial Management
Heather Moss, Office of Financial Management
Rob Krell, JLARC

Alternative Learning Experience
Comparison of Previous Rules to Amended Rules

This is intended as a summary; please see the full text of the proposed rules for complete details.

Topic Area	Previous Rules	Amended Rules
Purpose or Definition	• Defines a course of study conducted in part outside the regular classroom. • Excludes part-time enrollment of home-based and private school students. • May include instruction provided by the student's parent or guardian under supervision by the school district.	Provides an alternative method of determining full-time equivalent (FTE) enrollment for learning experiences that are: • Individualized courses of study. • Supervised, monitored, assessed, and evaluated by certificated staff. • Provided in whole or in part outside the regular classroom setting, including those provided digitally via the Internet or other electronic means. • Allows for part-time enrollment. • Does not limit alternative instruction provided with federal or local resources.
Board Policy	Requires a school board policy for alternative learning experiences, which must address: • The written student learning plan. • Approval of curriculum and course requirements. • Supervision and evaluation of student. • Schedule for assessing the student revising the written plan. • Documentation requirements. • The role of the parent.	School board policies must be adopted and annually reviewed which: • Require written student learning plans. • Require certificated instructional staff (CIS) to student ratio be approved. • Describe how student performance will be supervised, evaluated, and recorded by certificated instructional staff. • Require direct personal contact weekly with certificated staff. The board policy may allow for alternate electronic means of contact if the board determines alternate means do not compromise educational quality, student health and safety, or the fiscal integrity of the district. • Require student progress be reviewed at least monthly by certificated staff. • Comply with the State Board of Education WAC 180-50 and 180-51 for course equivalencies and graduation requirements. • Designate school official(s) responsible for approving programs or courses, monitoring compliance, and reporting specific information annually to the school board. • Identify reimbursable expenditures.
Program Standards	Program Standards: Program standards are implied in board policy requirements.	Program Standards: • Must be accessible to all students. • Requirements for curricula, course content, etc., provided by district and have consistent quality. • Work based learning and contracting must comply with applicable WACs. • Parents to sign document describing program difference between ALE and home-based education. • Must have methods to verify student is doing his or her own work. • Some programs must be accredited.

Alternative Learning Experience
Comparison of Previous Rules to Amended Rules

This is intended as a summary; please see the full text of the proposed rules for complete details.

Topic Area	Previous Rules	Amended Rules
Staffing Requirements	The district must either: maintain a staffing ratio equivalent to the district's regular basic education program; or demonstrate that 70 percent of money generated by ALE students is directly expended on the alternative program. In addition: "School staff" must evaluate student progress; a "school official" must approve learning plans; one-to-one contact must be with "qualified school staff."	• Requires program description for board approval to address roles and responsibilities of certificated and classified staff, including the overall ratio of certificated staff to FTE students. • Requires learning plans to be developed and monitored by certificated staff. Requires weekly contact with certificated staff. • Requires monthly evaluations of progress by certificated staff. Seventy percent expenditure provision is removed.
Contact Requirements	Requires students to either attend school at least five hours per week, or meet one-on-one (face-to-face) with district qualified staff for at least one hour per week.	Each student enrolled in an ALE course of study shall have direct personal contact with school district certificated staff, or certificated staff of a contractor with the approval of the school district, at least weekly. Direct personal contact shall be for the purposes of instruction, review of the student's assignments or other course work, testing, evaluation of student progress, and/or other learning activities. If approved by the board policy, direct personal contact may include use of telephone, e-mail, interactive computer, interactive video communication, or other digital means of communication.
Learning Plan	Written Learning Plan: The student must have a written plan of instruction that must be approved by a school officer or another person allowed by school policy. The plan must include: • Duration of the program. • Learning activities to be completed. • Where and when teaching will be conducted by school district staff. • A description of the student's responsibilities including a one hour meeting per week one-on-one with district staff if the student attends school less than 5 hours per week.	Written Learning Plan must: • Include beginning and end date. • Set an estimated average number of hours per week student will engage in learning activities. • Specify how weekly contact requirements will be met. • Include learning goals and objectives. Course syllabi may be used to meet this requirement. • Identify essential instructional materials. • Include timelines and methods of evaluation. • Be developed and monitored by district certificated staff. • Include connection with EALRs and graduation requirements.
Assessment of Student Learning and Accountability for Student Performance	The student must be assessed in the first 20 school days and at least every 45 school days thereafter. If the student is not successful, a revised plan may be adopted. If the student is not successful within 90 days, the student must be removed from the alternative program by the end of the current school year.	Accountability for student performance: The student must be evaluated at least monthly by certificated staff by personal contact, which may include various electronic means, if board policy allows. An intervention strategy must be implemented for students not making satisfactory progress for two consecutive months. A revised written plan must be developed for students not making progress for three consecutive months. All students must be assessed at least annually using state assessments or other means for students subject to statutory exemptions to state assessments identified in the home-based education and private school laws.

Alternative Learning Experience
Comparison of Previous Rules to Amended Rules

This is intended as a summary; please see the full text of the proposed rules for complete details.

Topic Area	Previous Rules	Amended Rules
Enrollment Reporting	Enrollment is based on the existing definition of a full-time equivalent (FTE) student. Actual reported student FTE is based on the total number of hours that the student engages in learning activities. What qualifies as a countable learning activity is specified in detail, and includes home study supervised by the student's parent(s) or guardian. A district may use estimated hours if, in the prior two months, actual hours do not differ by more than five hours per week from the estimate. Students who have not met with appropriate school staff for 20 consecutive school days must be excluded from the enrollment count.	Enrollment Reporting: Enrollment is based on the existing definition of a full-time equivalent (FTE) student. Actual reported student FTE is based on estimated hours of instruction in the written plan as long as the student's progress review is satisfactory. If a student's progress review indicates a lack of satisfactory progress, the next month the actual hours are tracked and in ensuing months, the FTE is based on the actual hours of documented learning activity. Students who have not met with appropriate school staff for 20 consecutive school days must be excluded from the enrollment count. School districts must report alternative learning enrollment annually to OSPI.
Program Evaluation	No reference to program evaluation.	Districts must engage in periodic self-evaluation in a manner designed to measure their effectiveness and shall follow a continuous improvement model.
Part-Time Enrollment	Does not allow part-time enrollment.	Allows part-time enrollment.
Home-Based Education Students	Home-based education students cannot enroll part-time in an ALE program. If enrolled full-time the student is not considered home-based, even though the parent may be supervising some instruction at home.	Home-based education students may enroll part-time in an ALE program. The school district maintains primary responsibility and accountability for the development, implementation, and evaluation of the ALE course of study.
Document-ation and Annual Reporting	All hours of learning activities must be documented. • K–8 student's parent or guardian provides written documentation of activities away from school not supervised by district staff. • A 9–12 grade student provides written documentation of activities not supervised by district staff.	Documentation: The district must maintain for audit: • The school board policy. • Annual reports to the board of directors and OSPI as required. • Student learning plans and documentation of weekly contact. • Student evaluations and assessments. • Student enrollment data. • Signed parent disclosure documents. Districts must annually report to OSPI ALE types of programs, course offerings, and enrollment, CIS to student ratio, and enrollment of students provided alternative education under contract.

AMENDATORY SECTION (Amending Order 99-01, filed 3/25/99, effective 4/25/99)

WAC 392-121-182 Alternative learning experience requirements. (1) An alternative learning experience may be counted as a course of study. A school district alternative learning experience may make use of digital and/or on-line curricula, and may be delivered over the internet or using other electronic means. A school district alternative learning experience may also include significant participation by students, parents, and families in the design and implementation of a student's learning experience. This section provides an alternative method of determining full-time equivalent enrollment and claiming state funding for public school learning experiences that are:

(a) Individual courses of study for students who meet the definition for enrollment specified by WAC 392-121-106. Students may enroll part-time in alternative learning experiences. Such enrollment shall be subject to the provisions of RCW 28A.150.350 and chapter 392-134 WAC;

(b) Supervised, monitored, assessed, and evaluated by school staff. As used in this section, "school staff" means certificated instructional staff of the school district according to the provisions of chapter 180-82 WAC, or a contractor pursuant to WAC 392-121-188;

(c) Provided in accordance with a written alternative learning experience plan that is implemented pursuant to the school district board's policy for alternative learning experiences; and

(d) Provided in whole or part, outside the regular classroom setting, including those learning experiences provided digitally via the internet or other electronic means.

This section sets forth the standards, procedures, and requirements for state funded alternative learning experiences. This section is not intended to prevent or limit alternative education programs provided by a school district with federal or local resources.

An alternative learning experience may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

(2) **School district board policies for alternative learning experiences:** The board of directors of a school district claiming state funding for alternative learning experiences shall adopt and annually review written policies for each alternative learning experience program and program provider that:

(a) Require a written plan for each student participating in an alternative learning experience that meets the minimum criteria pursuant to subsection (4) of this section;

(b) Require that the overall ratio of certificated instructional staff to full-time equivalent students enrolled in alternative learning experience programs and courses, including those that rely primarily on digital curriculum, be identified and approved by the school district board of directors in a public meeting;

(c) Describe how student performance will be supervised, monitored, assessed, evaluated, and recorded by school staff. Such description shall include methods for periodic grade reporting, if different from existing school district policy;

(d) Require each student enrolled in an alternative learning experience to have direct personal contact with school staff at least weekly, until the student completes the course objectives or the requirements of the learning plan. Direct personal contact shall be for the purposes of instruction, review of assignments, testing, reporting of student progress, or other learning activities. Direct personal contact means a face-to-face meeting with the student and, where appropriate, the student's parent or guardian. In establishing policies for alternative learning experience programs and program providers, the school district board of directors may determine that direct personal contact can be accomplished through the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication, instead of a face-to-face meeting, if in the judgment of the board such contact methods do not compromise educational quality, student health and safety, or the fiscal integrity of the district;

(e) Require that each student's educational progress be reviewed at least monthly and that the results of each review be communicated to the student and if the student is in grades K-8, the student's parent or guardian;

(f) At the discretion of the school district board, the policy may describe responsibilities of the student's parent(s) or guardian including, but not limited to:

(i) Approval of the written alternative learning experience plan;

(ii) Responsibility for the parent(s) or guardian to provide or implement a portion of the student's alternative learning experience under the supervision of school staff, if the parent(s) or guardian agrees; and

(iii) Requirements to meet with school staff for purposes of evaluating the student's performance and/or receiving instructions on assisting with the student's alternative learning experience. The school district board may also prescribe requirements for appointing a person to provide or

supervise a portion of the student's alternative learning experience in the event the student's parent(s) or guardian will not or cannot be a participant in the student's alternative learning experience;

(g) Designate one or more school district official(s) responsible for approving specific alternative learning experience programs or courses, monitoring compliance with this section, and reporting at least annually to the school district board of directors on the program. This annual report shall include at least the following:

(i) Documentation of alternative learning experience student headcount and full-time equivalent enrollment claimed for basic education funding;

(ii) A description of how certificated and classified staff are assigned program management and instructional responsibilities that maximize student learning, including the ratio of certificated instructional staff to full-time equivalent students;

(iii) A description of how a written student learning plan pursuant to subsection (4) of this section, is developed, and student performance supervised and evaluated, by certificated staff;

(iv) A description of how the program supports the district's overall goals and objectives for student academic achievement; and

(v) Results of any self-evaluations conducted pursuant to subsection (7) of this section;

(h) Satisfy the state board of education's requirements for courses of study and equivalencies (chapter 180-50 WAC);

(i) For alternative learning experience courses offering credit, or for alternative learning experience programs issuing a high school diploma, satisfy the state board of education's high school graduation requirements (chapter 180-51 WAC); and

(j) Identify what, if any, expenditures which are directly related to the written student learning plan and are paid by participants of an alternative learning experience may be subject to reimbursement by the district.

(3) **Alternative learning experience implementation standards:**

(a) Alternative learning experiences shall be accessible to all students, including those with disabilities. Alternative learning experiences for special education students shall be provided in accordance with chapter 392-172 WAC.

(b) It is the responsibility of the school district or school district contractor to ensure that students have all curricula, course content, instructional materials, and other learning resources essential to successfully complete the requirements of the written student learning plan. Curricula,

course content, instructional materials, and other learning resources for alternative learning experiences shall at minimum be consistent in quality with those available to the district's overall student population. Instructional materials shall be provided in accordance with RCW 28A.320.230.

(c) Work-based learning as a component of an alternative learning experience course of study shall be subject to the provisions of WAC 180-50-315 and 392-121-124.

(d) Contracting for alternative learning experiences shall be subject to the provisions of WAC 392-121-188 and RCW 28A.150.305.

(e) A school district that provides one or more alternative learning experiences to a student shall provide the parent(s) or guardian of the student, prior to the student's enrollment, with a description of the difference between home-based instruction pursuant to chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit.

(f) The school district shall institute reliable methods to verify a student is doing his or her own work. The methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district.

(g) State funded public schools or public school programs whose primary purpose is to provide alternative learning experiences using digital or on-line means shall be accredited through the state accreditation program or through the regional accreditation program.

(4) **Written student learning plan:** Each student enrolled in an alternative learning experience course of study shall have a written student learning plan designed to meet the student's individual educational needs. The written student learning plan may be developed in partnership with the student, the student's parents, and other interested parties, with recognition that school staff has the primary responsibility and accountability for the plan, including supervision and monitoring, and evaluation and assessment of the student's progress. The written student learning plan shall include, but not be limited to, the following elements:

(a) A beginning and ending date for the learning experience;

(b) An estimate of the average number of hours per week that the student will engage in learning activities to meet the requirements of the student learning plan. This estimate may be used in reporting enrollment in compliance with subsection (5) of this section and must be based upon the criteria in

subsection (6) of this section;

(c) A description of how weekly contact requirements will be fulfilled;

(d) A description of the specific learning goals and performance objectives of the alternative learning experience. This requirement may be met through the use of course syllabi or other similarly detailed descriptions of learning requirements. The description shall clearly identify the requirements a student must meet to successfully complete the course or program;

(e) Identification of instructional materials essential to successful completion of the learning plan; and

(f) A description of the timelines and methods for evaluating student progress toward the learning goals and performance objectives specified in the learning plan.

The written student learning plan shall identify whether the alternative learning experience meets one or more of the state essential academic learning requirements or any other academic goals, objectives, and learning requirements defined by the school district. For a high school alternative learning experience, the plan shall specify whether the experience meets state and district graduation requirements.

(5) **Enrollment reporting:** Effective the 2005-06 school year, the full-time equivalency of students enrolled in alternative learning experience programs shall be determined as follows:

(a) Using the definition of full-time equivalent student in WAC 392-121-122 and the number of hours the student is expected to engage in learning activities as follows:

(i) On the first enrollment count date on or after the start date specified in the written student learning plan, the estimated average weekly hours of learning activity described in the written student learning plan;

(ii) On subsequent monthly count dates, if the student's progress review pursuant to subsection (6) of this section indicates satisfactory progress, the student's full-time equivalent shall be based on the estimated average weekly hours of learning activity identified in the student learning plan;

(iii) If the student's progress review indicates a lack of satisfactory progress, the student's full-time equivalent shall be based on the estimated average weekly hours of learning activity described in the student learning plan, and the actual number of hours the student engages in learning activity pursuant to the written student learning plan shall be documented during the ensuing month. Documented hours shall encompass only those learning activities intended to accomplish the learning goals and performance objectives identified in the written student learning plan, shall meet the following

criteria, and shall be verified by district staff:

(A) Those hours of classroom instruction provided by school staff;

(B) Those hours of work based learning calculated in accordance with WAC 392-121-107 (1)(f);

(C) Those hours of learning activity other than those specified in (a)(iii)(A), (B) and (D) of this subsection that are conducted and supervised by the student's parent(s) or guardian, or other person as designated by the written plan; and

(D) Those hours that the student participates in learning activities other than those specified in (a)(iii)(A), (B) and (C) of this subsection. If the student is in grades K-8, such learning activity shall be supervised by the student's parent(s) or guardian or other person designated by the written student learning plan;

(iv) On subsequent monthly count dates, if the student's progress review indicates a lack of satisfactory progress, the student's full-time equivalent shall be based on the actual average weekly hours of learning activity documented during the prior month;

(v) Enrollment of part-time students shall be subject to the provisions of RCW 28A.150.350, and shall generate the pro rata share of full-time funding.

(b) The enrollment count shall exclude students meeting the definition of enrollment exclusions in WAC 392-121-108 or students who have not had direct personal contact with school staff for twenty consecutive school days. Any such student shall not be counted as an enrolled student until the student has met with appropriate school staff and resumed participation in their alternative learning experience or participated in another course of study as defined in WAC 392-121-107;

(c) School districts providing alternative learning experiences to nonresident students shall document the district of the student's physical residence, and shall establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate.

(6) **Accountability for student performance:**

(a) At minimum, students enrolled in alternative learning experiences shall have their educational performance evaluated according to the following process and schedule:

(i) Each student's educational progress shall be reviewed at least once per month. The progress review shall be based on the learning goals and performance objectives defined in the written student learning plan.

(ii) The progress review shall be conducted by school staff and shall include direct personal contact with the student. If allowed by district policy, direct personal contact may include

the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication. The results of the review shall be communicated to the student and, where possible, the student's parent(s) or guardian.

(iii) Based on the progress review, school staff shall determine and document whether the student is making satisfactory progress in completing the learning activities and reaching the learning goals and performance objectives defined in the written plan.

(iv) If the student fails to make satisfactory progress for no more than two consecutive evaluation periods or if the student fails to follow the written student learning plan, an intervention plan designed to improve student progress shall be developed and implemented. This intervention plan shall be developed by school staff in conjunction with the student and, for students in grades K-8, the student's parent(s) or guardian.

(v) If, after no more than three subsequent evaluation periods, the student still is not making satisfactory progress, a plan designed to more appropriately meet the student's educational need shall be developed and implemented by school staff in conjunction with the student and, for students in grades K-8, the student's parent(s) or guardian.

(b) The educational progress of students enrolled in alternative learning experiences shall be assessed at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students shall also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW.

(c) Students enrolled full-time in nonresident alternative learning experience schools, programs, or courses shall have the opportunity to participate in any required annual state assessments at the district of residence, subject to that district's planned testing schedule. It is the responsibility of the enrolling district to facilitate all necessary coordination with the district of residence and with the student and, where appropriate, the student's parent(s) or guardian to fulfill this requirement. Such coordination may include arranging for appropriate assessment booklets, student notification of assessment administration schedules, arrangements for forwarding of completed assessment booklets to the enrolling district for submission for scoring and reporting, and other steps as may be necessary. Assessment results for students assessed according to these provisions shall be included in the enrolling district's accountability

measurements, and not in the district of residence's accountability measurements.

(7) **Program evaluation:** School districts offering alternative learning experiences shall engage in periodic self-evaluation of these learning experiences in a manner designed to objectively measure their effectiveness, including the impact of the experiences on student learning and achievement. Self-evaluation shall follow a continuous improvement model, and may be implemented as part of the school district's school improvement planning efforts.

(8) **Annual reporting:** Each school district offering alternative learning experiences shall report annually to the superintendent of public instruction on the types of programs and course offerings subject to this section, including student headcount and full-time equivalent enrollment claimed for basic education funding. The report shall identify the ratio of certificated instructional staff to full-time equivalent students enrolled in alternative learning experience courses or programs. The report shall separately identify alternative learning experience enrollment of students provided under contract pursuant to RCW 28A.150.305 and WAC 392-121-188.

(9) **Documentation:** In accordance with required records retention schedules, a school district claiming state funding for alternative learning experiences shall maintain the following written documentation available for audit:

(a) School board policy for alternative learning experiences pursuant to this section;

(b) Annual reports to the school district board of directors as required by subsection (2)(g) of this section;

(c) Annual reports to the superintendent of public instruction as required by subsection (8) of this section;

(d) The written student learning plans required by subsection (4) of this section, including documentation of required weekly direct personal contact;

(e) Student progress reviews, evaluations, and assessments required by subsection (6) of this section;

(f) Student enrollment detail substantiating full-time equivalent enrollment reported to the state, including estimated total hours of participation in educational activities, and any actual documentation of hours of learning for those students failing to make satisfactory progress; and

(g) Signed parent enrollment disclosure documents required by subsection (3)(e) of this section.

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

RECEIVED
SEP 26 2005
JLARC

September 26, 2005

Ruta Fanning, Legislative Auditor
Joint Legislative Audit and Review Committee
506 - 16th Avenue SE
Olympia, WA 98501-2323

Dear Ruta ~~Ms. Fanning~~:

Thank you for the opportunity to respond to the preliminary report of the Alternative Learning Experience Programs Study. Our formal response to the eight recommendations in the report is provided below.

Recommendation	OFM Position	Comments
1. The Legislature should consider legislation to formally establish alternative learning experience programs in statute.	Concur	
2. The Legislature should consider whether minimum contact time requirements should be reimposed for ALE programs.	Partially concur	We recommend that the Legislature first allow OSPI time to implement and monitor the effectiveness of amended program rules.
3. The Legislature should consider whether curriculum and courses provided should be required to address state and district learning goals.	Concur	Meeting state learning goals is increasingly important, and students in ALE programs should be held to the same standards as other students in more traditional education programs.
4. OSPI should amend program rules to require an annual written assurance of program compliance.	Do not concur	Districts already submit annual assurances to the State Board of Education that encompass ALE within basic education.

5. OSPI should develop written program implementation guidelines.	Concur	This is under way.
6. OSPI should formalize its existing policy regarding instructional materials.	Concur	This is under way.
7. OSPI should require districts to report detailed program spending information for at least two years.	Partially concur	Spending information can be an important tool for understanding the ALE program, but it should be collected only for a limited time and not become an ongoing reporting burden.
8. The Legislature should consider placing spending restrictions on ALE programs.	Concur	Whether done by the Legislature or through OSPI rulemaking authority, this change should be considered.

The Alternative Learning Experience programs within the state's K-12 system are complex and difficult to understand. Please extend our compliments to your staff for making the ALE programs and their related issues clear.

Sincerely,

Victor A. Moore
Director

APPENDIX 2A – JLARC'S COMMENTS ON AGENCY RESPONSES

Recommendations 2, 3, and 8 (Recommendations to the Legislature)

The Office of Superintendent of Public Instruction (OSPI) does not concur with these recommendations. While OSPI's perspective is welcome and appreciated, these three recommendations are specifically directed to the Legislature. (In contrast to OSPI, the Office of Financial Management (OFM) does concur with Recommendations 3 and 8, and partially concurs with Recommendation 2.)

Recommendation 4

Neither OSPI nor OFM concur with this recommendation. We have three comments:

1) To address one portion of OSPI's concern, we have made a minor change in the wording of the recommendation to clarify its intent. In the preliminary version of the report, the substance of the recommendation was that OSPI should require school districts claiming ALE program funding to annually submit a written assurance that the district complies with ***all*** state rules and regulations pertaining to these programs. OSPI noted that since ALE programs must also comply with the same rules that apply to all other regular education programs, the suggested "checklist" format used to provide the assurance would need to be voluminous. The wording of the recommendation has now been changed to clarify that the assurance of rule compliance is to be focused on those major rules that are unique to ALE programs.

2) Both OSPI and OFM imply that the written annual assurance that is the subject of the recommendation would duplicate an existing requirement of the State Board of Education (SBE). Specifically, WAC 180-16-195 requires school districts to annually submit to the SBE an assurance form indicating compliance with the state's Basic Education Act provisions. According to SBE staff, however, this requirement is at a more global, district-wide level and does not extend to the individual school or program level. Our review of the assurance form confirms this is the case. As such, it does not duplicate what is proposed in Recommendation 4.

3) OSPI states that it "does not see benefit in an assurance form," and does not believe "requiring an additional assurance for ALE programs will have material impact on their compliance with existing state rules and regulations." We disagree. The recommended action will focus increased attention on the fact that there are special rules that apply to ALE programs, and it further emphasizes the importance placed on complying with these rules. We believe this is an appropriate response to the State Auditors Office finding that there has previously been a significant level of non-compliance with these rules.

APPENDIX 3 – OFFICE OF THE STATE AUDITOR - REPORT

STATE AUDITOR'S OFFICE
ALTERNATIVE LEARNING EXPERIENCE ENROLLMENT AUDITS
September 1, 2003 – August 31, 2004

At the request of the Legislature, and in conjunction with the Joint Legislative Audit and Review Committee, the State Auditor's Office conducted a study of alternative learning experience programs in the state's kindergarten through grade 12 public school system. The Office has conducted a statewide audit of alternative learning programs over the past two years. Results of these audits are included the study.

The study examined these programs for compliance with Washington Administrative Code (WAC) 392-121-182. The focus was on identifying concerns related to the programs, including any potential misuse of public resources.

In all, 189 of the state's 296 school districts offer these programs.

Types of programs include:

- Parent partner programs through which parents provide most of the instruction.
- Digital learning programs where most, if not all, learning activity takes place online. Students participating in digital learning may be residents of other school districts.
- Contracted education, which includes agreements with students to engage in educational activity through self-study and contracts with community colleges and other outside organizations/institutions.

FISCAL YEAR 2003 AUDIT

In fiscal year 2003, we audited 25 districts comprising 40.8 percent of the full-time equivalent students in the programs in that year. In all, we looked at 47 different programs: five Internet programs at four districts; 15 parent partner programs at 14 districts, and 27 contract-based programs (neither Internet-based nor parent partner programs) at 22 districts.

Our review of fiscal year 2003 programs identified a significant number of program compliance issues in the 25 districts. We found some degree of non-compliance at each of the districts:

- 12 percent did not have the required policies in place.
- 60 percent had incomplete or lacked any, required individual student learning plans.
- More than 50 percent did not have documentation required to track in-class and out-of-class hours.

- 60 percent lacked documentation supporting weekly meetings with qualified school staff.
- More than 50 percent did not have required student progress evaluations.
- 40 percent had questionable course approval processes.
- 96 percent incorrectly calculated the number of student hours submitted for state funding.
- 100 percent could not adequately meet program requirements for the operation of digital learning programs.

In the 2005 session, the Legislature passed Substitute Senate Bill 5828 which grants school districts the ability to provide digital learning to students in our state. The Office of Superintendent of Public Instruction (OSPI) has prepared revised rules under WAC 392-121-182 necessary to comply with the new legislation. Although the revision has not been formally approved and adopted, our report addresses whether the compliance issues we identified still will be issues should the draft rules be adopted.

Due to districts' significant lack of compliance with program requirements, we determined a deeper examination of statewide compliance and the effect on program enrollment reported for state funding was necessary.

FISCAL YEAR 2004 AUDIT

In fiscal year 2004, we reviewed Alternative Learning Experience programs at 18 districts that offered 49 different Alternative Learning programs: three Internet programs were offered at three districts; 17 parent partner programs were offered at 17 districts; and 29 contract-based programs (neither Internet-based nor parent partner-based programs) were provided at 17 districts.

Initially, 24 districts were selected for an audit of their programs. Due to the condition of all the districts' records and the complexity of individual programs, we were unable to complete audit work at six of the districts.

Fiscal year 2004 audit results:

District policies

Administrative code requires district policy to address duration of the program; describe teaching components; require a written learning plan describing responsibilities of the student; an approval process for all learning curriculum and course requirements; and how student performance will be supervised and evaluated.

All Districts reviewed this year had the required Board-approved policy addressing how the programs would operate. Specifically, we found:

- Although programs vary between and within districts, none of the policies reviewed were individualized to specific district programs. They simply restated the language contained in the state administrative code that addresses these programs (WAC 392-121-182).

- At 16 of the 18 districts, individuals responsible for day-to-day program administration had a copy of the district policy. Fourteen of the policies included all of the elements required by the regulations.
- Our review of individual student plans and student documentation discussed below found most districts did not comply with their own polices. In a proposed revision to the administrative code, district policies will take on new importance as districts must review policies annually and amend them to reflect specific programs they operate.

Course/instructional material approval

Under current regulations, school district boards must approve curriculum and course requirements for all educational programs. In the contracted programs, most districts indicated the same courses, using the same instructional materials, were offered through alternative learning experience and regular schools. In parent partner programs, the approval process for course curriculum and materials is not as clear. It does not follow the process set out in state law regarding a district's instructional materials committee. Instead, one certificated instructor is involved in approval of plans that may be written by the district, but quite often are prepared by the parent in most parent partner programs. These plans often do not identify materials that will be used in the home. In fact, some districts assert that if they allow the parents to purchase their own materials at no cost to the district, it is not the district's business what materials are used in the home, even though the district receives state funding for this instructional time. This process does not meet the approval process set out in state regulations.

We identified five districts that had student plans and/or evaluations referring to the use of instructional materials with religious content. A memorandum published by OSPI in August of 1998, "Clarification Regarding Instructional Material Used in Alternative Learning Experience Programs" states that courses provided in the home should not be counted for funding unless the same materials used for the course could be used in schools on the district's campus. The memo is frequently referred to as the "Coolican Memo." In addition, an informal opinion issued in June 1998 by the Attorney General's Office concluded alternative learning experience should be considered a form of school both for funding and for constitutional purposes, and religious instruction therefore should be conducted independent of alternative learning experience. The proposed rules revision more clearly spells out the district responsibility to formally approve program materials through an instructional materials committee.

Student full-time equivalency

The 18 districts audited for fiscal year 2004 reported 5,019 full and part-time students in alternative learning experience programs. An average annual full-time equivalency (AAFTE) represents the combination of time spent in educational activities by part-time and full-time students.

Due to the lack of sufficient records in all 18 districts, we were not able to accurately determine how many students are involved in their alternative learning experience programs. We reviewed approximately 17.1 percent of the reported student full-time equivalency in these 18 districts, or approximately 860 AAFTE representing 1,219 students. We found:

Reported AAFTE Tested	860.08	100%
AAFTE over-reported	195.62	22.7%
AAFTE under-reported	5.84	0.7%
Audited AAFTE	670.30	78.0%

In the 2003-4 school year, districts received approximately $4,200 for each AAFTE. The exceptions identified in over-reporting represent nearly $800,000 in over-payment of state funding.

The under-reported full-time equivalency of 5.84 mostly occurred at one district that operates on an October through June schedule, rather than the normal September through May schedule. June enrollment was not reported by this district.

Current regulations require the use of a rather cumbersome formula when calculating the amount of time to report for a student after the student has been in the program for two months. This formula takes into consideration whether the student met planned learning hours in the prior two months and reduces reportable time when actual hours fall below a certain threshold. Only one of the 18 districts audited was reporting based on this formula. Most districts examined reported each student as a full-time student every month without taking the formula into consideration. Three districts were adjusting the amount of time in some manner but did not use the required formula. We determined the time reported was not correctly reduced in at least one month for 56.4 percent of all students tested. Lack of documentation was a contributing factor causing inaccurate reporting of students time engaged in educational activities.

Criteria	Percentage of 1,219 students examined not meeting documentation criteria
Lack of documentation of learning hours away from school	33%
Lack of documentation of learning hours in class	24.5%
Lack of documentation to substantiate contact between student and school staff within 20 days prior to monthly count date	24.6%

At one district we noted a pattern of un-enrolling students after two months and re-enrolling them in the following month in what appeared to be a method of circumventing the formula for the third month.

The proposed rules revision will eliminate the formula, which will make reporting less complicated. The requirement for student contact within 20 days prior to count date remains in the proposed revision.

We also questioned hours reported for students whose alternative learning experience instruction included instructional material with religious content. We could not make an accurate determination of the full extent to which public funds supported this instructional time.

Written Student Plans

Districts are required to prepare a written learning plan for each student enrolled in an alternative learning experience program. Because these programs are individualized, certain elements are required to identify what the student will be learning; when the plan begins and ends; how the instructional component will be provided; and the amount of time the student will spend per week in the learning process. Results of our compliance review showed:

Required Element	Percent Compliant
Beginning and ending dates of student program	48%
Course description sufficient to inform student of program expectations	55%
Identification of planned hours of educational activity	50%
Include a statement that student must meet one-on-one with school staff when attending less than five hours per week	42%
Tracking of one-on-one meetings	29%

Under the proposed revision to the rules, written student plans still will be required for all students enrolled in alternative learning experience programs.

Work-based learning was offered as a component of alternative learning experience in three of the districts audited this year. Our review of work-based learning compliance found the three districts offering this type of instruction had the required documentation available for 84 percent of the 79 students tested.

Student Reviews

Current regulations require student progress to be reviewed within the first 20 days and then at 45 day intervals. We found 41 percent of student files in compliance with the 20-day requirement and 45 percent in compliance with the 45 day requirement. Under the proposed rules revision, the necessity for timely scheduled reviews will take on new importance. Evidence of satisfactory progress reviews will be required for districts to report enrollment based on planned hours of learning. Unsatisfactory progress reviews will trigger the need for districts to track actual learning hours and to report on actual rather then planned hours.

Expenditure Testing

Current regulations require districts to spend at least 70 percent of the funding they receive for these programs on the programs or to provide the same student-teacher ratios by grade as other district students experience. Of the 18 districts, 17 met this compliance rule, however in eight of the 49 programs audited, districts did not separately account for program expenditures. Four districts improperly charged facilities costs to the program. In addition to school supplies,

materials and teacher salaries, statewide we noted alternative learning experience instructional funds were used for:

Common in parent partnered programs:

- Private horse riding lessons.
- Private gym memberships.
- Private music lessons
- Lift tickets, ski rentals, ski lessons.

Multiple occurrences:

- Rafting and boat trips (two districts).
- Religious instructional materials (two instances identified in two districts).
- Payments to parents to teach courses on campus (multiple transactions in one district).
- Tickets to a zoo and science center for enrolled students' siblings not enrolled in the programs (multiple transactions in one district).
- Summer camp enrollment (two districts)

We also found isolated instances in which funds were used to purchase:

- A vehicle.
- Theme park tickets.
- Personal exercise trainer.
- Tickets to the ballet for parents and enrolled students.
- Out-of-state travel.
- Student transportation to school.

Other Issues Identified

Although we could not identify specific regulations that would disallow the following practices, we did observe certain other issues that may raise concerns:

- One district contracted with a federally funded job training program that helps students obtain high school diplomas through a local school district. Although the contractor is fully funded by the federal government for the instruction it provides, and the district does not provide funding to the contractor, the school district claims the same hours of instruction provided by the contractor for state funding. A review of records for 16 of 159 students found the district provided only 42 percent of the direct instruction for the students but received 100 percent of the state funding requested.

- One district pays parents to teach in its parent-partner program.

Part-time alternative learning experience for Home Based Instruction Students

Under current regulations, students receiving home-based instruction (those who opt out of the public school system) may not be enrolled in an alternative learning experience program. We found 17 of the 18 districts audited complied with this regulation. We determined that two of the

18 districts enrolled students part-time, but counted only class hours, or seat time. We determined these students were not part of an alternative learning experience program. These districts were in compliance with rules governing regular basic education for the part-time home-based students. One district, although otherwise following the rules, incorrectly reported in-class time as ancillary services rather than basic enrollment.

Two districts used incorrect forms to enroll students full-time in parent partner alternative learning experience programs. These districts enrolled students in alternative learning experience programs by having parents complete "intent to provide home-based instruction" forms. The same form was used in these districts for true home-based students. We were unable to determine whether parents of students enrolled in alternative learning experience programs understood their children were entering the public education system.

Conclusion

Overall, school districts are not complying with many of the administrative rules governing alternative learning experience programs. All the districts audited this year had the required board-approved policy, however, none of the policies addressed unique characteristics of district programs. As a result, curriculum and instructional materials are being used that have not been approved by districts' review committees and only about half of the districts have written student learning plans that include the required elements.

In most districts, adequate documentation to support state funding was missing or insufficient. In nearly half of the districts, the validity and accuracy of documentation of student hours engaged in educational activity was questionable.

With minimal, and at times unclear, guidance from the state, public funds are used for alternative learning experience activities that the funds may not have been intended for.

Recommendations

The following recommendations are based on results of the past two years of audits of alternative learning experience programs. We noted where the recently revised rules address the recommendations.

1. School districts should separately identify and report hours for alternative learning experience students. Until the State Auditor's Office conducted its limited survey in 2003, the size and diversity of these programs was unknown. During audits of fiscal year 2003, we noted a number of school districts could not easily identify which or how many students were participating in these programs.

   In the revised rules, the Office of Superintendent of Public Instruction is requiring school districts offering alternative learning experiences to annually report on the types of programs, course offerings, student headcount and full-time equivalent enrollment claimed for basic education funding.

2. The State Auditor's concurs with the Joint Legislative Audit Review Committee's (JLARC) recommendation number five. Development of written program guidelines will benefit school districts implementing newly revised rules. In addition to the written guidelines, the State Auditor's Office recommends the Office of Superintendent of Public Instruction provide statewide training for administration and reporting of alternative learning experience programs. More than 260 alternative learning experience programs are operating across the state. In many instances, the individual charged with creating and operating the program lacks an understanding of how to apply state rules; what qualifies as an alternative learning program; and what activities may be counted as educational for the purposes of reporting. Guidance combined with training would help promote successful operation of these programs and greater accountability.

3. The Office of Superintendent of Public Instruction should provide sample forms for individual plans and state reporting to assist districts in tracking what to report regarding students in the program; documentation to retain as support for state funding; and timelines for required periodic reviews. We found a wide range of interpretations about what constitutes an individual student learning plan and the required elements. This differs between and within school districts. Most school districts expressed a desire for more guidance. Preparation of a set of best practices documentation, as well as sample forms, would be beneficial.

4. The Office of Superintendent of Public Instruction should reinforce the responsibility of school districts to approve curriculum and instructional materials for all enrolled students. For example, in most parent partner programs, parents choose a curriculum and instructional materials. We identified five districts that referenced use of instructional material with religious content in student plans or student evaluations. Additionally, staff from several schools who oversee alternative learning experience programs have stated they have limited or no involvement in choosing curricular materials for these students.

   Consistent with JLARC's recommendation number six, the State Auditor's Office agrees that OSPI should include in program implementation guidelines content of the commonly titled "Coolican Memo."

5. The State Auditor's Office supports JLARC's recommendation number eight suggesting the Legislature consider spending limits and restrictions on types of expenditures for alternative learning experience programs. Accordingly, the Office of Superintendent of Public Instruction should adopt clear rules on allowable expenditures. It appears some school districts are broadening their definition of allowable expenditures for parent partner programs in an attempt to meet the 70 percent expenditure rule and to attract home-schooled students. As a result, we found a disparity between "educational" opportunities for alternative learning experience students and other students. Alternative learning experience students are offered activities not offered to basic education students.

6. The State Auditor's Office concurs with JLARC's recommendation number seven suggesting a two-year study of costs related to operation of alternative learning experience programs. Upon completion of a cost study, the Legislature should consider

whether application of a different funding model to future alternative learning experience programs is warranted. We recommend funding that is related to direct services the districts provide to students in alternative learning experience programs. Direct services could include contact time and administrative time. Many of these programs have provided as little as one hour per week (4 percent) to five hours per week (20 percent) of staff/student contact time, yet the enrollment is funded the same as students who receive 100 percent (20 to 25 hours a week) on campus contact time. It is not uncommon for certificated staff to student ratios in parent partnered programs to exceed 100 to 1 or higher in some programs. In many of the parent partner programs, the parent provides the actual instruction time and often uses materials that have not been purchased, or even closely monitored as to selection, by school staff.

Elimination of the 70 percent spending requirement and minimum contact time in the new rules, combined with spending restrictions recommended by JLARC, should have a positive effect on the cost of operating these programs.

In addition to the recommendations expressed above, the State Auditor's Office supports JLARC's position on recommendations not previously addressed.

APPENDIX 4 – ALTERNATIVE LEARNING EXPERIENCE PROGRAMS IDENTIFIED THROUGH SCHOOL DISTRICT SURVEYS

By Educational Service District (ESD)[25]

ESD	Counties Included	Non-Duplicated Totals			By Program Type (Categories Are Not Mutually Exclusive)									
		Total Programs	Est. 2004-05 Headcount	Est. 2004-05 FTEs	Parent/Partner Program		Internet-Based Curriculum		Other Computer Based Curriculum		Operated Out of Alternative School		Includes Work-Based Learning	
					Programs	FTEs	Programs	FTEs	Programs	FTEs	Programs	FTEs	Programs	FTEs
101	Adams (part), Ferry, Lincoln, Pend Oreille, Spokane, Stevens, Whitman	42	2463	2602	18	1446	5	310	1	16	24	1405	11	1054
105	Grant (part), Kittitas, Klickitat (part) Yakima	18	795	641	1	15	2	72	5	157	11	370	10	433
112	Clark, Cowlitz, Klickitat (part), Pacific (part), Skamania, Wahkiakum	22	3495	2803	8	1446	5	286	1	6	15	1808	9	829
113	Grays Harbor, Lewis, Mason (part), Pacific (part), Thurston	27	1168	998	14	346	6	152	1	10	13	811	9	574
114	Clallam, Jefferson, Kitsap (part), Mason (part)	23	2224	1981	10	891	0	0	2	119	15	1457	11	1185
121	King, Kitsap (part), Pierce	56	5300	4731	18	1862	10	657	8	534	32	2903	20	2082
123	Adams (part), Asotin, Benton, Columbia, Franklin Garfield, Walla Walla	13	860	745	4	214	2	36	2	117	9	508	4	121
171	Chelan, Douglas, Grant (part), Okanogan	21	960	876	7	302	3	135	3	57	12	620	9	461
189	Island, San Juan, Skagit, Snohomish, Whatcom	50	4294	4032	21	2494	3	38	4	181	31	2673	16	1157
TOTALS		272	21558	19407	101	9016	36	1686	27	1197	162	12555	99	7896

[25] This in an update of a table that was originally included in the Interim Report as Figure 1. The Interim Report also include a table - Figure 3 - that listed 37 ALE programs that had been identified as relying substantially on internet-based curriculum. The last program shown in that table was subsequently reported to be no longer operational.

APPENDIX 5 – SUMMARY OF RECOMMENDATIONS FROM INTERIM REPORT OF ALTERNATIVE LEARNING EXPERIENCE PROGRAMS STUDY – AND IMPLEMENTATION STATUS

Recommendation 1

The Office of Superintendent of Public Instruction (OSPI) should modify its current rule regarding student/teacher contact requirements [WAC 392-121-182 (2) (a) (d)] to provide for a process whereby a local school district can waive the requirement for weekly one-on-one (face-to-face) contact for appropriate online and digital programs if it finds the program meets certain specified criteria, as developed and enumerated in rule by OSPI.

Implementation Activities: The general substance of this recommendation was incorporated by OSPI into its new rules, although the rules apply to *all* ALE programs rather than just online and digital programs. Rather than OSPI developing its own criteria to identify when it is appropriate for a local school district to waive the face-to-face contact requirement, the new rules states that a local board can authorize other than face-to-face contact methods *"if in the judgment of the board such contact methods do not compromise educational quality, student heath and safety, or the fiscal integrity of the district."*

Recommendation 2

The Office of Superintendent of Public Instruction (OSPI) should revise its rules regarding ALE programs so that, for appropriate digital and online programs, course syllabi can be used as part of the required learning plan.

In revising its rules to accomplish this, OSPI should also: 1) clarify what additional information, if any, is required for student learning plans in online programs, and 2) determine whether it would be appropriate to require differing levels of information and individualization for student learning plans, depending upon whether a student is enrolled full-time or part-time.

Implementation Activities: The substance of this recommendation was incorporated into both legislation enacted in 2005 and OSPI's new rules. SSB 5828, relating to digital and online learning programs, directed OSPI to develop rules for such programs that among other things required a learning plan. The legislation specifically required that the rules "allow course syllabi and other additional information to be used to meet the requirements for a learning plan."

Responding to both the legislation and the Interim Report recommendation, OSPI's new rules also specifically allow course syllabi to be used to satisfy a portion of the learning plan requirements. The new rules do not, however, establish differing levels of information required for learning plans based on whether a student is enrolled full or part-time.

Recommendation 3

OSPI should revise its rules regarding ALE programs so that, for appropriate digital and online programs, FTE equivalency will be based on the estimated weekly average hours of learning activity identified in the learning plan as long as a student is found, through monthly evaluation, to be making satisfactory progress.

Implementation Activities: As above, the substance of this recommendation was incorporated into both SSB 5828 and OSPI's new rules, with the latter applying to all ALE programs (not just digital ones).

Recommendation 4

OSPI should revise its ALE program rules to require that:

a) **Programs relying primarily on online or digital curriculum be approved by the local school board, and that individual courses be approved by a designated school district official; and**

b) **School districts operating such programs annually provide to their school board a report on the programs, to include such information as deemed appropriate by OSPI.**

In addition, as part of the rules or in supplementary materials, OSPI should develop guidelines and criteria designed to facilitate local districts' review of such programs.

Implementation Activities: As above, the substance of this recommendation was incorporated into both SSB 5828 and OSPI's new rules, with the latter applying to all ALE programs. (The wording used was slightly different than that contained in the recommendation, but the substance was the same.) OSPI did not include in the rules guidelines or criteria to facilitate local district review, but may do so as part of its planned program implementation guidelines.

Recommendation 5

OSPI should revise its ALE program rules so that programs relying substantially on Internet-based curriculum are required to include some form of self-evaluation component designed to objectively measure its effectiveness. This information should then be incorporated into the processes provided for in Recommendation 4.

Implementation Activities: As above, the substance of this recommendation was incorporated into both SSB 5828 and OSPI's new rules, with the latter applying to all ALE programs.

Recommendation 6

OSPI should revise its ALE program rules so that local school districts are required to report to OSPI annually on the number of ALE programs and the number of students enrolled in them.

Implementation Activities: Same as above.

APPENDIX 6 – SIMILAR PROGRAMS IN OTHER STATES

We contracted with the Washington State Institute for Public Policy (Institute) to assess the extent to which other states offer publicly funded programs similar to ALE parent/partner programs. The Institute found that only nine states other than Washington provide public support for home-schooling families (other than allowing part-time enrollment in regular public schools). No state offers services identical to Washington's programs, and each has a unique regulatory framework.

For the other state programs identified, the Institute gathered information on requirements related to: program approval and oversight; staffing, including the use of certificated staff; curriculum approval; student assessment provisions; and funding.

The table below provides a summary overview of each of the other identified state programs, based on information gathered by the Institute. Information for the Oregon program was supplemented by conversations between JLARC staff and Oregon Department of Education staff.

State Programs for Home-Schooling Families

State	Program(s)	Brief Description
Alaska	Statewide correspondence schools	Alaska allows school districts to provide statewide correspondence programs for students in rural areas who live far from school buildings. Students complete district-approved academic work at home with oversight by a certified teacher via paper, phone, fax, or e-mail correspondence.
	Home-based charter schools	The Anchorage School District operates two home-based charter schools that provide on-site instruction in courses parents are unable to teach themselves. Certified teachers provide oversight.
California	Home-based charter schools	California law allows for "nonclassroom-based" charter schools, including those serving home-schoolers. The type of services and supervision of student work varies by school. The state recently strengthened funding criteria to ensure students are making progress and to hold schools financially accountable.
	Home-based independent study	Home-schooling families can partner with school districts through independent study programs, which are intended to provide flexible environments and instructional strategies to meet students' unique learning needs. Certified teachers provide oversight.
Colorado	Options Schools	School districts may approve Options Schools, which are on-site programs providing part-time instruction to home-school students. Certified teachers oversee instruction, but parents bear ultimate responsibility for student learning. Students are considered home-schooled.
Iowa	Home-school Assistance Program	School districts may offer home-schooling families supplemental assistance, such as consultation services and curriculum materials. Certified teachers provide oversight, but parents bear ultimate responsibility for student learning. Students are considered home-schooled.

Massachusetts	"Hybrid" Arrangements	Massachusetts state law and policy give local school districts broad control of public instruction, including the authority to decide whether and how to provide support to home-schooling families. There are no state requirements other than the school district must supervise the student's education program.
Minnesota	Non-Public Pupil Aid	Minnesota operates a financial aid program under which school districts can be reimbursed by the state for offering certain services and materials to home-schooling families. Districts do not supervise home instruction.
New Mexico	Family Schools	School districts may operate part-time instructional programs for home-schooling families. On-site instruction must be provided for at least 51 percent of each week, and the school is held accountable for student learning. Districts do not supervise instruction provided in the home.
North Dakota	Provisions for Non-College Graduate Parents	North Dakota state law requires that if a home-schooling parent does not have a baccalaureate degree, the first two years of home instruction must be supervised by a certified teacher. Oversight is also required for students scoring below the 50th percentile on nationally normed achievement tests. A certified teacher provides consultation services and oversees student learning, but parents bear ultimate responsibility for student learning.
Oregon	Alternative Education Programs	District-operated alternative education programs intended to provide flexible instructional strategies may serve home-school students. Most programs serving home-school students are part-time and receive funding only for the time the student spends on-site. Oversight is provided by program teachers, but districts do not supervise instruction provided in the home.

Study Methods

The Institute's examination of state policies and programs for home-schooling families involved reviewing:

- Research literature located using academic online databases (e.g., Proquest and ERIC) and search engines;
- State laws and regulations, facilitated by conducting a text search of state laws using the Westlaw database;
- State education department websites and policy guidelines; and
- Private organizations' websites focused on home-schooling laws (such as the Home School Legal Defense Association).

To confirm the information gathered through these means, each state's education department was contacted via telephone or e-mail. For states found to operate a program similar to Washington's parent/partner programs, in-depth telephone interviews with state education department and/or program staff were conducted to gather detailed information about program policies and practices.

APPENDIX 7 – PARENT/PARTNER PROGRAMS LISTED ALPHABETICALLY BY SCHOOL DISTRICT[26]

School District	Program Name	Year Began	Grades Offered	FTEs 04-05	% At Risk	% Out of District
Aberdeen	Harbor Home Link	1997	K-12	25	53%	24%
Anacortes	Anacortes Home Education Partnership	2001	K-12	91	15%	15%
Arlington	Stillaguamish Valley School	1998	K-12	261	0%	50%
Bainbridge Island	Home School Support Program	1992	K-8	70	25%	20%
Battle Ground	River Home Link	1996	K-12	350	2%	97%
Battle Ground	Home Link Battle Ground	1993	K-12	298	12%	41%
Battle Ground	CAM Jr./Sr. High School	1996	6-12	295	3%	34%
Bellevue	Kelsey Creek Home School Center	1998	K-12	185	0%	3%
Blaine	Home Connections	2004	K-12	70	0%	n/a
Bremerton	Alliance Academy	1998	K-12	20	20%	0%
Bridgeport	Aurora High School	2000	9-12	17	100%	10%
Central Kitsap	Off Campus	1991	K-12	218	35%	27%
Central Valley	Spokane Valley Learning Academy	2000	K-12	95	n/a	n/a
Chewelah	Chewelah Home Link	1999	K-12	49	5%	20%
Chimacum	Pi Program	1991	K-12	74	50%	10%
Clarkston	Parent Partnership	2003	K-8	26	80%	5%
Clover Park	Clover Park Home-Based Instruction	1987	2-12	127	50%	0%
Concrete	Skagit River School House	1998	K-12	43	0%	15%
Coupeville	Cedar Program	2002	K-12	59	5%	30%
Curlew	Curlew School Parent Partnership Program	2002	Kk-12	13	0%	62%
Deer Park	Deer Park Home-Link	1997	K-12	332	20%	20%
Edmonds	Edmonds Home School Resource Center	1996	K-12	409	15%	40%
Everett	Homeschool Resource Center	2002	K-12	80	20%	15%
Evergreen	Home Choice Academy	2003	K-8	250	100%	17%
Griffin	Griffin Home Education Program	2004	K-8	6	n/a	n/a
Highline	YouthSource	n/a	9-12	40	100%	30%
Highline	CHOICE	n/a	7-12	30	50%	0%
Highline	Home School	n/a	K-12	9	0%	20%
Highline	NewStart	2001	9-12	40	100%	0%
Kelso	Loowit High School	2003	9-12	47	90%	10%
Kennewick	Mid-Columbia Parent Partnership	2003	K-8	76	0%	25%
Kent	Transition Program	1997	9-12	80	100%	0%
Kettle Falls	Kettle Falls Home Link	1982	K-12	30	0%	50%
Kiona-Benton	KIONA-BENTON ALTERNATIVE SC	1999	3-13	30	100%	0%
Lake Stevens	Home Link	1997	K-12	165	n/a	n/a
Lake Washington	Family Learning Center	1996	K-12	201	5%	27%
Liberty	Liberty Homeschool Partnership Program	2002	K-6	2	0%	0%

[26] Programs identified through JLARC survey of school districts and subsequent field work.

School District	Program Name	Year Began	Grades Offered	FTEs 04-05	% At Risk	% Out of District
Longview	Monarch Program	1998	9-12	35	100%	35%
Loon Lake	Home Link	2003	K-8	46	n/a	n/a
Lopez Island	Lopez Parent Partner Program	n/a	K-12	11	5%	n/a
Lynden	Lynden Learning Lifestyles	2004	K-12	90	10%	25%
Manson	Alternative Learning Program	n/a	9-12	1	n/a	n/a
Mary Walker	Mary Walker Parent Partnership Program	1999	K-12	90	n/a	n/a
Mary Walker	Springdale Academy	2000	K-12	7	n/a	n/a
Marysville	Student/Home/Parent Program (SHoPP)	1996	K-12	86	75%	0%
Mead	Mead Education Partnership Program	2000	K-12	180	3%	10%
Methow Valley	Alternative Learning Experience	1997	K-12	25	10%	5%
Monroe	Sky Valley Education Center	1998	K-12	485	0%	50%
Morton	TEEN	n/a	9-12	0	100%	0%
Mossyrock	Mossyrock Contract Studies	1999	7-12	6	50%	0%
Mount Vernon	Mount Vernon Homeschool Partnership	2004	K-12	60	15%	12%
North Kitsap	Parent Assisted Learning program	1997	K-12	205	40%	6%
North Mason	Home Link	2001	K-12	60	60%	3%
Northshore	HomeSchool Networks	1996	K-12	301	5%	21%
Oak Harbor	HomeConnection	1999	K-12	200	15%	50%
Omak	Instructional Outreach Program	n/a	n/a	15	n/a	n/a
Onalaska	Contract Studies Program	1997	7-12	63	10%	60%
Orcas Island	OASIS	2001	K-8	15	0%	0%
Orient	Orient Alternative Learning Network	1998	K-8	1	100%	0%
Peninsula	Home Based Learning Lab (HALL)	1992	K-12	57	0%	0%
Port Angeles	Parents as Partners	1997	K-12	45	50%	5%
Port Townsend	I.C.E.	1991	1-12	46	10%	1%
Quincy	Quincy HTH - Contract Classes	2003	9-12	30	75%	1%
Quillayute Valley	Home School Plus	1995	K-12	39	n/a	n/a
Raymond	Home Link	2001	7-12	18	90%	10%
Renton	H.O.M.E. Program	1998	K-12	132	30%	30%
Republic	Republic parent Partner	2001	K-8	15	0%	0%
Riverside	Independent Scholar Program	2002	K-12	108	20%	14%
Riverview	PARADE Program	1998	K-12	87	n/a	n/a
San Juan Island	Parent Partner Program	2003	K-12	55	20%	8%
Seattle	Home School Resource Center	1997	K-12	195	10%	10%
Sedro-Woolley	Home School Partnership	2000	1-12	40	30%	10%
Sequim	Olympic Peninsula Academy	1999	1-12	40	5%	15%
Shelton	Parent Home Partnership	2002	K-12	55	15%	1%
Shelton	Contract Based Education	2002	6-12	45	75%	3%
Shoreline	Home Education Exchange	1998	K-11	81	0%	55%
Snohomish	Parent Partnership	2002	K-12	52	0%	0%
South Kitsap	Explorer Academy	1996	K-12	145	20%	1%
So. Whidbey	Whidbey Island Academy	1998	K-12	64	20%	5%
Spokane	The Enrichment Cooperative	2002	K-12	261	60%	5%
Stanwood-Camano	Lincoln Hill High School	1996	9-12	122	80%	5%
Stanwood-Camano	Parent Partnered Program	2004	K-10	37	5%	10%
Stevenson-Carson	SHS Alternative High School	1987	9-12	20	100%	0%
Summit Valley	Summit Valley Parent Partnership	2001	K-8	40	10%	10%
Tahoma	ALE Program	1995	K-12	55	0%	18%

School District	Program Name	Year Began	Grades Offered	FTEs 04-05	% At Risk	% Out of District
Tekoa	SOARS	2002	9-12	2	95%	0%
Tenino	People In Partnership	2000	6-12	23	40%	0%
Toledo	Evaline Learning Center	2000	7-12	10	30%	0%
Toledo	Teens Entering Education Now	1995	9-12	0	100%	0%
Tonasket	Tonasket Outreach Program	1996	k-12	50	n/a	n/a
Tumwater	Secondary Options	1996	9-12	72	90%	5%
Valley	Valley HOME Program	2003	K-12	137	n/a	40%
Vancouver	Vancouver Home Connection	2004	K-11	150	10%	6%
Vashon Island	FamilyLink	1998	K-12	62	2%	6%
Walla Walla	Home link	1999	K-8	82	40%	17%
Wellpinit	Alliance Education	2001	7-12	40	n/a	n/a
Wenatchee	Valley Academy of Learning	1997	K-10	165	100%	60%
White River	Choice Program	1996	4-12	110	10%	65%
Wishkaw Valley	Home School Connection	2004	9-12	2	0%	100%
Yakima	Homeschool Program	2005	K-12	15	75%	5%
Yelm	Home Link	1999	6-12	22	15%	5%
Totals				**9016***	**20%[27]**	**10%[27]**

*The sum of individual program FTEs differs slightly from the grand total due to rounding.

[27] Median.