

Program Implementation Guidelines for Alternative Learning Experiences Office of Superintendent of Public Instruction

The following 'Frequently Asked Questions' are intended to assist school districts and programs as they develop and implement alternative learning experiences. The answers are meant to be guidance only, and do not supersede existing state law or regulation. Any conflict with state law or regulation is unintentional, and the language and intent of existing law or rule prevails. The questions and answers are grouped into the following topic areas:

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I. GENERAL QUESTIONS

Q1. What are alternative learning experiences?

A1. Alternative learning experiences (referred to as ALE throughout the remainder of this document) are learning experiences for public school students that are primarily characterized by learning activities that occur away from the regular public school classroom setting. The specific requirements and expectations of these away-from-school learning activities are detailed in a written student learning plan (WSLP) developed and supervised by a public school teacher.

Q2. What are the regulatory requirements for alternative learning experiences?

A2. The regulatory requirements for ALE are spelled out in Washington Administrative Code (WAC) 392-121-182. These rules have been in existence for many years, and were most recently amended in August 2005. The ALE rules are school finance rules, allowing school districts to establish programs and claim basic education funding for student learning experiences that occur primarily away from school. This is in contrast to the more commonly used 'seat time' requirements for basic education funding, where school districts claim basic funding only for enrolled students who are expected to actually attend school each day for a specified number of hours.

In addition to the requirements of WAC 392-121-182, ALE programs must comply with **all** other existing rules and laws governing public education in Washington State.

Q3. How is ALE different from home-based instruction?

A3. Although ALE is similar to home-based education in that it is characterized by learning that occurs away from school, it is **not** home-based instruction. ALE is a public school learning experience which is planned, developed, and supervised by a public school teacher. Home-based education is subject to specific state laws (Revised Code of Washington (RCW) 28A.200 and RCW 28A.225.010) and planning and supervision falls under the authority of the parent, not the school district. Home-based students may enroll part-time in public school classes and programs, including ALE.

Q4. What are the different types of ALE?

A4. Because of the flexible and innovative nature of ALE, it is difficult to categorize these learning options or programs into specific types. In general, though, there are three primary types of ALE programs: contract-based learning, digital/online learning, and parent partnership programs. In some programs there is significant overlap among these three types. For example, a parent partnership program could offer contract-based learning to high school students, and offer courses using digital or online means. The following is a brief, generalized overview of these three types.

- Contract-based learning—usually limited to secondary students, and often used for credit retrieval or credit acceleration. Many alternative middle and high schools offer some form of contract-based learning, as do a smaller number of comprehensive high schools.
- Digital/online learning—to date, a small number of digital/online learning programs, or virtual schools, have emerged in Washington State. Many schools offer digital/online learning courses, but claim enrollment for only the hours the student is in an on-site classroom. Online learning only becomes ALE when the student is engaged in learning away from school, and the school district is using the time the student engages in this away-from-school learning as part of the full-time equivalence (FTE) claimed for basic education apportionment. *Digital/online learning that occurs solely in a classroom setting under the direct supervision of teacher is **not** ALE.*
- Parent partnership programs—these programs offer a significant role for parents in the development and provision of ALE. Because of this, many students in parent partnership programs may have been receiving home-based instruction prior to enrolling in the ALE program. But, as noted above, this type of ALE is **not** home-based instruction, because the school district is ultimately responsible for student learning, not the parent.

Q5. Work based learning is another type of learning program that occurs away from the regular classroom setting. How is work-based learning different from ALE?

- A5.** Separate laws and rules govern work based learning. There are substantial differences between work based learning and ALE in how student FTE is calculated, and in how credit is issued.. ALE programs that provide for work based learning should be clear about these distinctions and the additional requirements of work based learning pursuant to WAC 180-50-315. Programs should appropriately apply the work based learning rules and not the ALE rules when claiming enrollment for work based learning programs. More information about work based learning can be found at <http://www.k12.wa.us/CareerTechEd/default.aspx>.

II. STAFF QUALIFICATION ISSUES

- Q1. Must the staff responsible for the development of the written student learning plan, the weekly contacts, and the monthly progress reviews, hold a valid Washington State teaching certificate? (WAC 392-121-182(1)(b); 392-121-182(2)(c)(d); 392-121-182(4); 392-121-182(6)(a)(ii))**

A1. Yes. The ALE rules require that the written student learning plan be developed and supervised by a certificated teacher and that weekly contact and monthly progress reviews be conducted by a certificated teacher.

- Q2. Does all certificated staff have to be endorsed in the subject areas in which they teach?**

A2. Existing teacher certification requirements apply just as in a regular public school classroom setting, including the highly qualified staff requirements of the federal No Child Left Behind Act.

- Q3. What does it mean to be “highly qualified?” What are the specific guidelines for an ALE teacher to be highly qualified?**

A3. Highly qualified means that teachers teaching in core academic subjects must:

- Hold full state teacher certification.
- At least a baccalaureate degree.
- Demonstrate competency in the subject area in which the teacher is assigned to teach.
- Competency can be demonstrated through appropriate endorsements, successful passing of the Praxis exam, or having a satisfactory evaluation based upon a high objective uniform state standard of evaluation (HOUSSE) in the core subject areas the teacher is teaching. Title I teachers hired new to a school district after the beginning of school year 2002–03 must meet the highly qualified requirement upon date of hire. All other teachers teaching in core academic subjects have until the end of school year 2005–06 to meet the highly qualified requirement.
- This requirement applies to teachers of core academic subjects. Core academic subjects as defined by No Child Left Behind include English, reading, language arts, mathematics, science, foreign language, civics and government, economics, arts, history, and geography. Washington

has defined “the arts” to include music, theatre, visual arts, and dance. *Highly Qualified guidelines differ somewhat for a K–8 and a secondary teacher.* See the OSPI Web site for more details (<http://www.k12.wa.us/title11a/highlyqualifiedteachers.aspx>).

Q4. Can I hire a certificated teacher in the role of a classified staff and have that staff member perform the required certificated teacher duties specified in the ALE rules?

A4. No. The certificated teacher must be functioning in the role of a teacher, not a para-educator or other classified staff role.

Q5. What role can classified staff play in an ALE program?

A5. A classified employee is a staff member working in a role that does not require a valid teaching certificate. Classified staff can function in a number of ways that support the work of the certificated teacher, but for the most part cannot function in a role that requires a certificate. In an ALE program, classified staff operate under the same rules and requirements as they do in a regular education or special education program. The ALE rules clearly state that a certificated teacher must be responsible for supervision, monitoring, assessment, and evaluation of students.

Q6. How do we determine staff to student ratio for the required annual board report? Do we use the same complex formulas that districts use for their annual reports? (WAC 392-121-182(8))

A6. You will use a simple FTE certificated instructional staff to FTE student ratio. In other words, you will take your average annual FTE student number and divide by your average annual FTE certificated instructional staff.

III. INSTRUCTIONAL MATERIALS

Q1. The ALE rules require that the learning plan identify all instructional materials essential to successful completion of the goals and objectives of the learning plan. What does “identification of instruction materials” mean? Would a response of “a variety of textbooks and workbooks” suffice? (WAC 392-121-182(4)(e))

A1. Identification of instructional materials infers a list of the essential instructional materials that the student would use to accomplish the learning goals. For example, if the goal was:

- Sam will develop an understanding of the following math concepts by the end of the month.
- Understand place value in whole numbers.
- Understand sequential relationships among whole numbers.
- Understand the meaning of addition and subtraction and how they relate to one another.
- Understand how to recognize and create equivalent mathematical models and representations in familiar situations.

- A listing of the instructional materials might be: Bridging Mathematics, Houghton Mifflin; Saxon Math Workbook, Level 3; manipulative.
- Sam may end up using additional instructional materials during the month to supplement and enrich his learning--watching a related math show on television, using an instructional video given to him by a friend, practicing with flash cards that he created himself. The list for the WSLP consists of the *essential* materials needed to accomplish the goals.
- The statement “a variety of textbooks and workbooks” would not meet the requirement of identification of instructional materials.

Q2. Can religious or sectarian materials be used to accomplish the learning goals and performance objectives specified in the WSLP?

A2. The simple answer is no. For greater clarification, this question is broken into the following two questions and resulting answers.

- Must a school district assume and exercise responsibility for the instructional content of a student’s alternative learning experience, 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?
- May a school disclaim responsibility in whole or part for the instructional content of a student’s off-campus learning activities or permit non-school district personnel to select the instructional or learning material used by the student and, nevertheless, claim state funding so long as the student meets performance expectations?
- The short answer to the first question is “yes” and the short answer to the second question is “no.”
- The Superintendent of Public Instruction is directed by state law to distribute basic education allocation funding to each school district “operating” a basic education program approved by the State Board of Education. The basis for distribution is the number of average annual full-time equivalent students enrolled in, or participating in, the educational program that a district is “operating.” (See RCW 28A.150.250.) The term “operate” is defined in relevant part as meaning “to control or direct the functioning of.” Thus, to claim state funding for the time spent by a student enrolled in an alternative learning experience, a district must have assumed and exercised control or direction over at least the essential components of the educational activity that the student engaged in.
- Logic dictates that the instructional content of a student’s learning activities, inclusive of the instructional materials used, is an essential component of an educational program that a school district must assume and exercise direction or control over as a condition to claiming that the district is “operating” the program. This conclusion is buttressed by RCW 28A.320.330, which highlights the importance placed upon the selection and use of instructional materials by requiring the establishment of instruction materials’ committees and the approval or disapproval of instruction materials by a district’s board of directors.

- Furthermore, in determining the appropriateness of instructional materials in alternative learning experience programs, school districts should apply the same standards and criteria that apply to classroom instructional materials. 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. Parents or other non-school district personnel may of course select alternative instructional materials for a student's use at other times outside the time devoted to meeting the learning goals and performance objectives of the district-approved written student learning plan.
- Thus, for a district to claim state funding for time spent by a student while engaged in alternative learning experiences, the district must have assumed and exercised responsibility for the selection of the instructional materials used by the student in accordance with RCW 28A.320.330. Following the "performance only" logic of the second question would likely lead to erroneous state funding for learning experiences that occur away from school which the state and its school districts have assumed no responsibility for, including off-campus private school or private parochial school study.

Q3. The ALE rules require the school district to ensure that students have all curricula, course content, instructional materials, and other learning resources essential to successfully complete the WSLP. What is the intent of this requirement? (WAC 392-121-182(3)(b))

A3. The school district receives basic education funding for students enrolled in ALE programs, just like for students enrolled in regular classroom-based educational programs. Thus, the district carries full responsibility for ensuring the student has access to those learning resources essential to successful completion of the learning plan. This is distinct from home-based instruction, where the parent and student are responsible for the provision of these resources.

Q4. Do all instructional materials used in an ALE program need to be approved by the school board? (WAC 392-121-182(3)(b))

A4. Washington State law (RCW 28A.320.230) requires each school district board of directors to adopt policy on the selection and deletion of instructional materials. Materials used in ALE programs are subject to this requirement. Whether or not the use of a particular instructional resource must be approved by the school board depends on the school district policy.

IV. PART-TIME ENROLLMENT

Q1. Can a district determine that an ALE program is not open to part-time enrollment? (WAC 392-121-182(1)(a))

A1. If the program is operating under WAC 392-121-182, the answer is no. A district may not arbitrarily determine an alternative learning experience

program is not open to part-time enrollment. The relevant law is RCW 28A.150.350. In summary, this law requires school districts to allow part-time enrollment 'in the same manner as' for other public school students. Thus, ALE programs should not discriminate between full-time and part-time status when enrolling students in the program. Further, programs that may need to limit student enrollment based on budgetary constraints, or program design issues, or for other reasons, and that establish waiting lists, should not discriminate between full-time and part-time status when enrolling students off the waiting list.

Q2. What is a part-time student? (RCW 28A.150.350; WAC 392-134; WAC 392-121-122)

A2. A part-time student is a student who is enrolled in the public school for any amount of time less than a 1.0 FTE (see Acronyms and Terms for definitions of full-time equivalency), and who is also receiving home-based instruction, or who is also enrolled in an approved private school.

Q3. The ALE rules require that all ALE students be assessed at least annually. What assessments are required for part-time students? (WAC 392-121-182(6)(b))

A3. Annual assessment is required of all ALE students. Part-time students who are also receiving home-based instruction or are also enrolled in approved private schools are not required to participate in the Washington Assessment of Student Learning (WASL), but are required by the ALE rules to be assessed at least annually. Because home-based students are also required to complete an annual assessment to satisfy home-based instruction requirements, this would be an opportunity for the ALE program and parents to work together to use one assessment to satisfy both requirements.

Q4. When do I count a student for ancillary services and when do I count them as a part-time student?

A4. Ancillary services are any co-curricular service or activity, any health care service or activity, or any other services or activities except "courses" for or in which pre-school through 12 Grade students are enrolled in a public school. Students receiving instruction should be counted as a part-time student and reported based upon enrolled hours on OSPI form P-223. Students receiving services other than instruction should be reported based upon actual contact hours on OSPI form P-240.

V. SCHOOL BOARD POLICIES

Q1. The ALE rules state that the school district board of directors "shall adopt written policies for each alternative learning experience program." Does this mean that a district must have a separate board policy for each of the ALE programs operated by the district? (WAC 392-121-182(2))

A1. A school district may have a single board policy in place that references more than one ALE program. However, the school district board of directors should develop separate policies for each ALE program if these programs operate in distinctly different ways from each other.

Q2. Are there sample board policies available? (WAC 392-121-182(2))

A2. Yes. The Washington State School Directors' Association (WSSDA) published sample policies and procedures in their August 2005 Policy News. Copies of the WSSDA sample policy and another example board policy can be found in the Sample Form section of this webpage.

VI. WRITTEN STUDENT LEARNING PLAN

Q1. What is a written student learning plan (WSLP)? (WAC 392-121-182(4))

A1. The WSLP is the key document in an ALE program. It should include all information necessary to guide student learning and should be designed to meet the student's individual education needs. The plan must be developed, supervised, monitored, and evaluated by a certificated teacher. At minimum, the WSLP must include a beginning and ending date; an estimate of the average number of hours per week a student will engage in learning activities to meet the requirements of the plan; a description of how weekly contact will occur; a description of the specific learning goals and performance objectives for the student; identification of all instructional materials essential to successful completion of the learning plan; and a description of how student performance will be evaluated.

Q2. Are there models available for the WSLP?

A2. Yes. Sample WSLPs can be found in the Sample Form section of this webpage and on the Washington Association of Learning Alternative's Web site <http://walakids.com>.

Q3. When is a WSLP required to be developed and implemented? If a student enrolls in an ALE program on October 15, must the WSLP be in place on October 15, or by the next enrollment count date which would be the first school day in November? (WAC 392-121-182(5)(a)(i))

A3. To count a student for enrollment in any particular month, and thus generate basic education funding for that month, a WSLP must be in place on or before that month's enrollment count day (the 4 school day of September, and the first school day of each subsequent month).

- If the student enrolls in the program mid-month, the WSLP should be developed and implemented as soon as possible. Without a learning plan, it will be difficult for the student to successfully engage in the learning experience, and for the teacher, to supervise student learning.

Q4. Washington State law requires school districts to develop a learning plan for each student who is not at standard on any of the content areas of the

Washington Assessment of Student Learning (WASL). If a student has such a learning plan, can it take the place of the WSLP for ALE?

A4. No. The student learning plan and the WSLP have two distinctly different purposes and different requirements. However, ALE programs should consider a student's WASL plan when developing a WSLP for an ALE student.

Q5. Can a syllabus for a course be used to describe the learning objectives of a WSLP? (WAC 392-121-182(4)(d))

A5. Yes. A course syllabus could in fact include a number of the required components of a WSLP.

Q6. May a parent develop a WSLP and then have a certificated teacher approve it? (WAC 392-121-182(2)(f); 392-121-182(4))

A6. The ALE rules permit school districts to adopt policy that describes the role parents may take in an ALE program, including approval of the WSLP, implementing portions of the learning experience under supervision of a certificated teacher, and meeting with the teacher to review student progress. The rules also allow for the WSLP to be developed by the certificated teacher in partnership with the student and the parent. However, the teacher must hold primary responsibility and accountability for the WSLP, including supervision and monitoring, and evaluation and assessment of student progress.

VII. ENROLLMENT REPORTING

Q1. A start date is required on the written student learning plan. Can a student be claimed for apportionment under the ALE rules for an enrollment reporting period prior to the start date on the learning plan?

A1. No. The WSLP must be in place before a student can be counted. The date on the plan cannot be "retroactive."

Q2. Do students no longer need to keep monthly logs of learning activities/hours?

A2. For purposes of enrollment reporting, no, unless a teacher determines that the student is not making satisfactory progress, in which case documentation of learning activities will be required for the following monthly review period. However, some school districts will require documentation of learning activities/hours for purposes of issuing course credit. This is entirely a local school board policy issue, within the context of State Board of Education regulations regarding courses of study and equivalencies and high school graduation requirements.

Q3. How is FTE calculated for purposes of enrollment reporting in an ALE program?

- A3.** FTE is calculated based on the estimated weekly hours in the learning plan. Partial FTE is determined by the percentage or ratio of hours in the learning plan of a part-time student as compared to a 1.0 FTE student.
- Example: 25 hours a week represents a 1.0 FTE student (Grades 4–12). A part-time middle school student Susie Jones enrolls and the estimated hours in her WSLP are 15 hours a week. $15/25 = .6$. Susie would be .6 FTE.

Q4. What if the student’s estimated hours were 17 hours a week?

- A4.** The same formula would be used. $17/25 = .68$ Susie would be .68 FTE. Pursuant to WAC 321-121-011 you would report the FTE to two (2) decimal places.

Q5. A student is enrolled in ALE, Running Start, and Work Based Learning courses of study. How are these addressed in the WSLP and enrollment counting?

- A5.** The rules that govern Running Start and Work Based Learning are separate and distinct from the rules governing ALE. Thus, Running Start credits and Work Based Learning hours, and the resulting FTE, should be maintained and reported separately from ALE hours and FTE. While the WSLP may address all three components of a student’s education (in an effort to portray the full scope of a student’s educational program), only ALE hours should be included in the “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” referenced in WAC 392-121-182 (4) (b) and subsequently used to calculate ALE FTE.

Q6. If a part-time student logs more hours than what is estimated on the WSLP, can the student be reported as a higher FTE?

- A6.** No. You can only report the FTE that is established based on the estimated hours of learning activities specified in the WSLP. If, in the judgment of the certificated teacher supervising the WSLP, the estimated hours do not provide enough time for the student to successfully complete the learning goals and performance objectives of the WSLP, the teacher can modify the plan for subsequent months to more appropriately accommodate the student’s educational needs. Of course, this is subject to the maximum FTE of 1.0. Teachers should exercise caution in adjusting student FTE when the student is being served by more than one district school or program, or by another district subject to an inter-district agreement.

Q7. Can a district charge Washington State student tuition for an ALE course or program?

- A7.** School districts are prohibited from charging tuition for student time that is claimed for state basic education funding. The district may charge tuition and fees to full-time students who choose to enroll in district credit retrieval or acceleration courses, or other optional enrichment courses.

Q8. In order to be counted for apportionment in September, a student is required to be enrolled and actually participate in learning activities during the first four days of the month. How does this apply to ALE programs?

A8. For an ALE student, the enrollment and participation requirement is met via the start date of the WSLP. As specified earlier, the start date of the learning plan must be on or before the fourth school day of September to be included by your district in apportionment reporting for that month.

VIII. REIMBURSEMENT OF STUDENT LEARNING EXPENDITURES

Q1. Is a school district ALE program required to reimburse parents and/or students for costs incurred by the parent or student in completing the WSLP?

A1. No.

Q2. If an ALE program chooses to reimburse students or parents, what items are eligible for reimbursement? (WAC 392-121-182 (2)(j))

A2. Reimbursement guidelines are established at the district level. The rules require that a local school district board of directors define what expenditures related to accomplishment of the WSLP will be subject to reimbursement.

Q3. Are there any general guidelines?

A3. Yes. There is a sample 'Reimbursement Guidelines' that is included in the Sample Form section of this Web page. It is suggestive only. Each school district will need to develop its own policy regarding reimbursement practices.

Q4. Can the WSLP include educational services or activities provided to the student by individuals or organizations other than the parent or school district staff?

A4. Yes. However, it is incumbent upon the district to ensure that these providers meet the district's standards and expectations for educational quality.

Further, the district should consider the following issues:

- Is the provider qualified to provide the service or activity specified in the learning plan? If so, on what basis did the district make this determination?
- Is the provider safe? Each provider should have a background check completed. This check should be to the same standard of rigor as required for all staff who has unsupervised contact with students (such as teachers and para-educators).
- Is the provider being appropriately compensated under federal IRS regulations and other relevant rules, laws, and requirements? The district should determine whether or not the provider should be considered an employee or a contractor, and fulfill compensation requirements accordingly (FICA, federal withholding, etc for employees; Form 1099 for contractors).

Given the complexity, importance, and potential adverse consequences of these issues, school districts should either hire or contract directly with any such individual or organization that provides educational services to students to accomplish the goals and objectives of the WSLP. Districts should not allow parents to directly procure and pay for these services and then reimburse the parents for these costs.

Q5. Does state or district policy exist that prohibits the hiring of a relative to provide educational services to a student? For example, could a program allow a parent to hire Aunt Susie to teach their child piano and then be reimbursed for the service?

A5. Most school districts have a school board or accounting policy referencing RCW 28A.635.050, "Conflict of Interest - Personal Benefit", and/or RCW 42.23.030 – "Interest in Contracts Prohibited" to prevent a "conflict of interest" to occur with hiring or financial contractual agreements.

IX. ONLINE PROGRAMS

Q1. Must all digital and online learning options comply with the ALE rules?

A1. Remember that the ALE rules apply only to learning that occurs away from school and that will be claimed for basic education apportionment. Therefore, digital or online courses or programs that are offered as part of a regular classroom program and that do not include an away-from-school component that will be included in the calculations for a particular student's state basic education funding FTE are **not** subject to the ALE rules. Further, digital or online courses that a student takes while away from school but that are not included as part of the student's basic education funding FTE are **not** subject to the ALE rules.

Q2. The ALE rules include an accreditation requirement. Are all ALE programs or schools required to obtain accreditation? (WAC 392-121-182 (3)(g))

A2. The accreditation requirement applies only to schools or programs whose primary purpose is to provide alternative learning experiences using digital or online means. Thus, ALE schools or programs that only occasionally make use of digital or online means, or that offer online courses as part of a larger range of learning options are not required to obtain accreditation.

Q3. What is meant by the terms "state accreditation program" and "regional accreditation programs" used in the rules?

A3. The State Board of Education regulates accreditation in Washington State. For 2005–06, the State Board of Education has authorized each of the nine regional Educational Service Districts (ESD) as well as the Northwest Association of Accredited Schools (NAAS) to accredit public schools. (http://www.sbe.wa.gov/accreditation/approvedbodies_000.htm). Questions about accreditation requirements or accreditation processes and procedures should be directed to the State Board of Education, your local ESD, or NAAS.

X. STUDENT ASSESSMENT

Q1. Referring to WAC 392-121-182(2)(c), which speaks to describing how a program assesses students, the second sentence states, “Such description shall include methods for periodic grade reporting, if different from existing school district policy.” Does this imply that ALE programs must assign grades?

A1. No. Simply put, the policy must address how the ALE program will measure and document student progress on an intermittent basis (i.e. quarters, semesters, trimesters, etc), if different from existing district policy.

Q2. The rules require part-time students to be assessed annually. Does the assessment have to be for all subjects? (WAC 392-121-182(6)(b))

A2. Although the rules require part-time students to be assessed annually, the rules do not specify how this assessment must occur. Ideally, the assessment will focus on the subject areas addressed in the student’s learning plan. For part-time students who are also receiving home-based instruction, the ALE program and the student’s parent should consider collaborating to jointly meet both the ALE annual assessment requirement and the home-based instruction annual assessment requirement.

Q3. What happens if a full-time ALE student opts to not take the state-required Washington Assessment of Student Learning (WASL)?

A3. This should be a rare occurrence as students now have the option to enroll part-time, retain their home-based status, and be exempt from state assessments. However, if a full-time ALE student does choose to opt out, programs should follow established state and district procedures to accommodate public school parents and students who choose this option. (Typically, parents sign a letter that is kept on file.)

Q4. At the age levels where there is no state or district required assessments, what is required for ALE students who must be assessed annually?

A4. Annual assessments need not be formal state or district standards-based assessments, or norm-referenced tests. Observational assessment from a teacher, portfolio assessment, running records, and other means may all be forms of acceptable annual assessments.

XI. STUDENT ACCOUNTABILITY

Q1. Is there a minimum amount of time established to count as “weekly contact?” (WAC 392-121-182(2)(d))

A1. The requirements for weekly contact do not include a time specification. The parameters for weekly contact are that it is direct personal contact with a certificated staff member for the purposes of instruction, review of assignments, testing, reporting of student progress, or other learning

activities. The amount of time for a particular weekly contact should reflect these parameters and the individual needs of a student at that particular time.

Q2. What will constitute adequate documentation of weekly contact?

A2. Documentation of weekly contact should include date, time, and confirmation that the contact was with a certificated teacher.

Q3. If a student misses a weekly contact, is it necessary to make-up a missed weekly meeting?

A3. Weekly contact is a required component of an ALE course of study. On occasion there will be circumstances where it will not be possible to meet weekly with a student. Every effort should be made to make up missed weekly contacts. When a student displays a pattern of missed meetings, the student is not complying with the requirements of the WSLP. The responsible teacher should actively intervene to improve compliance with this requirement, and should consider an unsatisfactory monthly review for the student.

Q4. What documentation is necessary to verify monthly progress? (WAC 392-121-182(6)(a)(iii))

A4. At minimum, monthly progress review should include a definitive statement by the reviewing teacher regarding whether or not student progress is satisfactory. This statement should be signed and dated by the reviewing teacher.

Q5. In situations where weekly contacts and monthly reviews are being achieved using means other than face-to-face (subject to district policy), what constitutes contact with a student?

A5. An exchange of information between the student and the responsible teacher must occur. For instance, it is not enough to e-mail a student with a statement of progress. There must be two-way communication between the student and the teacher.

Q6. Who will determine if “satisfactory progress” is being made?

A6. A certificated teacher must determine if satisfactory progress is being made. The teacher may use a number of factors to come to this determination including, but not limited to, assessment results, parent feedback, attendance, running records, subjective and objective data, educational artifacts, etc.

Q7. Is there a required format or directive on how to determine what satisfactory progress means?

A7. No. ALE programs represent a diverse range of structure and delivery. Mandating a process for determining satisfactory progress is counterproductive to the intent of ALE of allowing for flexible and innovative programs and services that meet the unique needs of the students they serve. Each school district will define the process by which ALE teachers will

determine if satisfactory progress is being made. This process should be established as part of adopted board policy and procedure.

Q8. Is there a certain process ALE programs should follow to develop an intervention plan? (WAC 392-121-182(6)(a)(iv))

A8. No. An initial intervention can be as informal as a conversation between a teacher and a student or as formal as a scheduled conference where the WSLP is significantly rewritten. The interventions are meant to increase the chances of success for the student. Similar to the WSLP, interventions are personalized and designed to meet the individual student's educational needs.

Q9. For students not making satisfactory progress, we must keep track of "actual hours." How is the term "actual hours" defined? (WAC 392-121-182(5)(a)(iii))

A9. Actual hours must encompass only those learning activities intended to accomplish the learning goals and performance objectives identified in the WSLP. These hours can include, but are not limited to, time spent on actual instruction, time spent working on learning activities under the supervision of the parent, and time spent on student assessment and evaluation. Learning activities not directly tied to accomplishing the WSLP must not be included in the determination of actual hours of student learning.

Q10. Can a certificated instructional staff member make the determination of satisfactory progress on a monthly basis, and then delegate the communication of the decision to a classified staff?

A10. No. The rules require that monthly progress reviews be conducted by a certificated teacher, and the results of the reviews be communicated to the student and, where possible, the student's parent or guardian. In many cases, the results of the review will be determined at the time of the review and thus will be provided to the student/parent by the teacher. When the results are not known until some time after the actual review meeting, a teacher should be available to discuss the results with the student/parent, even if the teacher is not the actual staff member communicating the results.

Q11. Can a program conduct direct personal contact using allowable options to the face-to-face contact requirements without the necessary local school district board policy authorizing such options to be in place? (WAC 392-121-182(2)(d))

A11. For the 2005–06 school year, districts may operate programs without board policy in place as this school year begins with the expectation that program administrators have established clear understandings with the local school board about the operating aspects of the program, and that policy will be established as expeditiously as possible.

XII. ALTERNATIVE LEARNING EXPERIENCES AND INTER-DISTRICT CHOICE

Q1. WAC 392-121-182(3)(a) states that ALE programs shall comply with all special education rules and requirements. If a student enrolls in a non-resident district via the *inter-district choice* provisions of RCW 28A.225.220 to attend an ALE program and is a special education student, is the accepting non-resident district responsible for special education services?

A1. Yes. In the case of non-resident students enrolling via *inter-district choice*, WAC 392-137 makes it clear that the non-resident district is responsible for reporting enrollment, receiving funding, and providing all educational services, including special education services, to the student. However, if your district is sharing a student with another district via an *inter-district shared FTE* agreement (pursuant to WAC 392-121-106, where the districts agree to each claim the student as a partial FTE), then the resident school district (the district of origin) maintains these responsibilities, including special education services, unless otherwise specified in the inter-district agreement.

Q2. If two districts have shared a student through an *inter-district shared FTE* agreement and there is an audit finding because the student was counted for more than 1.0 FTE in total, which district would be held responsible?

A2. In nearly all cases, the non-resident school district will be held responsible for the audit finding, and possible questioned costs.

XIII. DOCUMENTATION REQUIREMENTS

Q1. Are there general guidelines for how or where we are to keep the records for audit?

A1. The Records Management Manual for School Districts is published by the Washington State Secretary of State and offers guidelines for school districts on keeping and maintaining all records.

Q2. What documents are ALE programs required to maintain? (WAC 392-121-182(9))

A2. At minimum, school districts offering ALE must maintain at least the following:

- School board policy for ALE.
- Annual reports to the school board on ALE.
- Annual reports to OSPI.
- WSLPs for each student, including documentation of required weekly direct personal contact.
- All student progress reviews, evaluations, and assessment results required.
- Student enrollment detail substantiating FTE enrollment reporting to the State.
- Signed parent enrollment disclosure documents.

XIV. SPECIAL EDUCATION

Q1. The program implementation standards state that “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.” What does this mean? WAC 392-121-182(3)(a)

A1. Enrolling a student in an alternative learning experience is enrolling a student in a public education program. Thus, all the special education requirements contained in WAC 392-172 apply to students enrolled in alternative learning experiences. These include, but are not limited to, child find, evaluations to determine special educational needs, individual educational program development (IEP) requirements, delivery of specially designed instruction, related services, and accommodations in accordance with the IEP. ALE programs should work with district special education staff and IEP teams to determine the appropriateness of placement of a student in an alternative learning experience, and to determine what, if any, additional services or modifications are necessary to ensure the special education student has access to the program.