

Alternative Learning Experience (ALE) Rule Change Proposal

Background

The Alternative Learning Department has filed a [CR 101](#) and is evaluating changes to [WAC 392-121-182](#). If adopted, rule changes would be effective for the 2020-21 school year.

Proposed Rule Changes

Draft language will be available on the ALE website by November 1, 2019.

- 1. Truancy in ALE Settings.** Current state law defines truancy and the response required by school districts. This proposed change will clarify how these requirements are applied in ALE by defining truancy as missed weekly contacts without valid justification and outlining a response timeline that aligns with the weekly contact expectations of ALE. Rationale:
 - A truancy response is mandated by state law for public schools, but no method of applying the required interventions and timeline exists in the ALE setting, which does not require daily, face-to-face attendance.
 - The purpose of truancy laws are to promote early intervention for (1) student safety and accountability through monitoring consecutive non-participation and (2) chronic absenteeism through monitoring cumulative non-participation in an educational environment. These intentions apply to all public schools including ALE.
- 2. Recodify ALE Rules.** ALE rules currently exist in the finance section of the WAC. This proposed change would amend WAC 392-121-182 to include only enrollment reporting language and move the rules guiding ALE implementation its own unique WAC chapter. Rationale:
 - Reorganization would simplify, make expectations to claim enrollment easier to find, and would allow future rule changes to be specific to relevant WAC sections.
- 3. Statement of Understanding (SOU).** This proposed change would require family notification of the difference between ALE and home-based instruction, but would delink a parental signature from the requirements to claim enrollment. Rationale:
 - The SOU creates equity and access concerns, particularly for students in grades 9-12 who need more flexibility but may not have an engaged parent or guardian.
 - Delinking may reduce administrative burdens to collect and retain this document.
 - This change would meet the [recommendation from the SAO](#) to no longer require a parental signature for ALE funding.

Tentative Guidance Changes

- 1. Use of Non-Certificated Instructors.** This guidance will clarify four allowable pathways for using and funding non-certificated staff or contractors for instructional purposes. (1) Support individuals in obtaining a conditional teacher certificate (2) hire individuals as paraeducators, (3) hire individuals as district contractors per [WAC 392-121-188](#). If the non-certificated instructor is operating in proximity to the supervising certificated teacher, a fourth option, hiring the individual as a non-represented or classified employee of the district, is allowable. Rationale:
 - The practice of using non-certificated individuals in instructional settings is common in both ALE and non-ALE. The difference is that ALE does not require the certificated teacher to be with the student during instructional times. This practice has highlighted

concerns regarding hiring, using public resources to fund individuals without in-person supervision, liability, student safety, and the role of the certificated teacher.

Tentative Rule Changes

The following items were identified as proposal items and general areas of concern. OSPI will seek additional stakeholder feedback prior to determining how to best address and support these concerns.

1. **Substantially Similar.** Revise the definition of Substantially Similar, currently section 3(l) of WAC 392-121-182, for clarification on when this rule applies and what constitutes a similar experience. Rationale:
 - Existing language has inconsistent interpretations depending on the context of the reader, and therefore guidance has been inconsistent.
 - Ensure the original intent of the RCW, ensuring appropriate use of public funds, incentivizing enrollment, and creating clear lines between public education and home-based instruction, is met.
 - Clarification of the definition and simplification of the reporting requirements would improve reporting quality.
2. **ALE Compliance Complexity.** This proposed change would include evaluating whether certain ALE compliance components, such as portions of the WSLP, can be delinked from enrollment reporting requirements. Rationale:
 - Encouraging a more meaningful use of practices required in ALE, rather than merely a compliance check.
 - Allow for manageable implementation of ALE as part of an MTSS model.

Tentative Timeline

1. Truancy workgroups with the ALE community and internal OSPI partners to brainstorm potential definitions of truancy in ALE settings (ongoing from SY 2017 – 2019)
2. ALE Advisory and subcommittee sessions to brainstorm challenges and identify potential improvements to ALE rules (May - June 2019)
3. ALE community work session (July 2019)
4. File [CR 101](#) (August 2019)
5. Stakeholders to provide initial feedback (August/September 2019)
 - a. Preproposal review by WA Auditor's Office & OSPI Audit Resolution Office (August 2019)
 - b. Preproposal review and finalization by OSPI leadership (August 2019)
 - c. Preproposal review by ALE Advisory (September 2019)
 - d. Preproposal review by OLAC (October 2019)
6. Proposal communication to ALE community (October/November 2019)
7. Finalize proposal (December 2019)
8. File CR 102, open up public comment period (January 2020)
9. Schedule hearing (February 2020)
10. File CR 103 (March 2020)
11. Rules adopted (Spring 2020)
12. Rule implementation (SY 2020 – 2021)

Questions

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