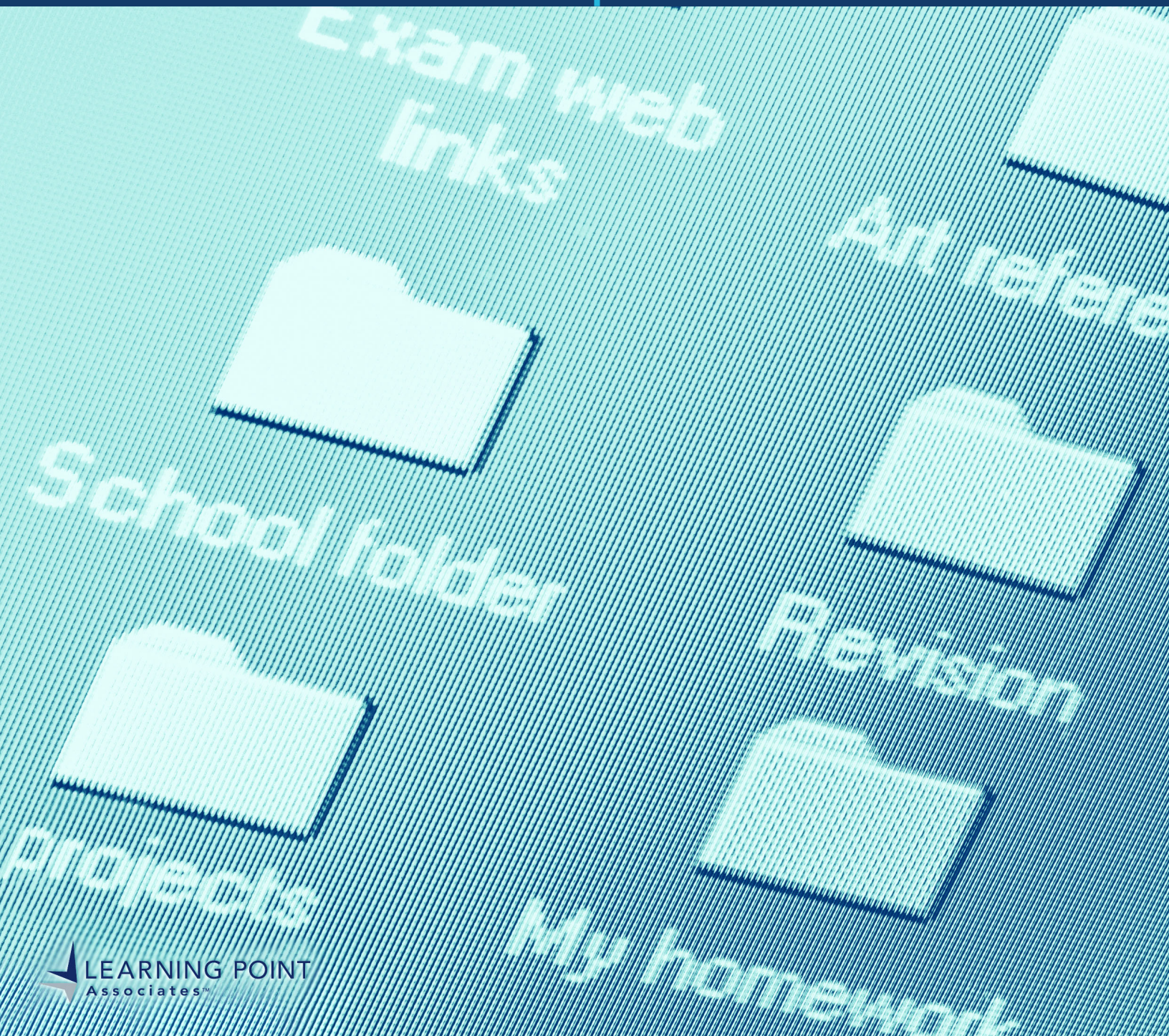
North Central Regional Educational Laboratory
Colorado Department of Education • Illinois Virtual High School • Wisconsin Virtual School

KEEPING PACE WITH K–12 ONLINE LEARNING

A Snapshot of State-Level Policy and Practice



KEEPING PACE WITH K–12 ONLINE LEARNING

A Snapshot of State-Level Policy and Practice

John F. Watson
Evergreen Consulting Associates

Kathy Winograd
University College, University of Denver

Stevan Kalmon
Colorado Department of Education

Directed and funded by:
Colorado Department of Education

Illinois Virtual High School

North Central Regional Educational Laboratory at Learning Point Associates

Wisconsin Virtual School

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1120 East Diehl Road, Suite 200
Naperville, IL 60563-1486
800-356-2735 • 630-649-6500
www.learningpt.org

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CONTRIBUTING PARTNERS

Colorado Department of Education

Illinois Virtual High School

North Central Regional Educational Laboratory at Learning Point Associates

Wisconsin Virtual School

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Melinda Crowley, Florida Department of Education
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Wayne Shimizu, California Department of Education
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Ron Stefanski, Michigan Virtual High School
Bicker Therien, Idaho Digital Learning Academy
Moises Torres, University of California College Preparatory Initiative
Matthew Wicks, Illinois Virtual High School
Julie Young, Florida Virtual School

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EXECUTIVE SUMMARY

1. Introduction

Online learning holds promise for providing new educational opportunities to a wide range of students across the country. The rapid expansion of K–12 online learning, however, threatens to outpace the development of appropriate state-level policies that serve to fulfill the promise. As the National Association of State Boards of Education warned more than two years ago, "In the absence of firm policy guidance, the nation is rushing pell-mell toward an ad hoc system of education that exacerbates existing disparities and cannot assure a high standard of education across new models of instruction."[1]

This study was undertaken to ascertain what states are doing to address the need for policy guidance. The report provides information on specific topics of K–12 online learning policy and practice as well as analysis and discussion of the issues. In order to obtain current and illuminating information on policies and practices across the nation, four organizations joined to fund and guide this study. The partnering organizations—Colorado Department of Education, Illinois Virtual High School, Learning Point Associates, and Wisconsin Virtual School—contracted with two consultants to conduct research via telephone interviews, literature reviews, and Internet searches. The consultants obtained and evaluated information related to the following issues in state-level policies and statewide online education programs:

- Assuring the quality of online learning experiences.
- Determining how to pay for online learning.
- Supporting policies geared to special-needs students and nontraditional students.
- Combining state, district, and program policies into an effective framework.

2. State Profiles

Twenty-two states—representing a national cross-section in terms of geography, population size, population density, and student demographics—were chosen for initial review. Of these, 11 states were chosen for in-depth study based on some combination of the level and nature of online education activity in the state, the presence of state laws and regulations concerning online activity, and the presence of a statewide online education program.

For each state studied, a state profile was created to represent the status of online education activity in the state. A synopsis of these profiles follows.

California: Has a large statewide online program, a handful of district-level online programs, and four cyber charter schools. Legislation was passed in 2003 that allows 40 supplemental online programs to obtain per-pupil general education funding for their programs.

Colorado: Has 20 cyberschools, a prominent statewide program, and numerous district-level supplemental online programs. Significant tension exists between multi-district cyberschools and physical school districts because of competition over student enrollment and the associated state per-pupil funding.

[1] National Association of State Boards of Education. (2001). *Any time, any place, any path, any pace: Taking the lead on e-learning policy.* Retrieved May 4, 2004, from http://www.nasbe.org/Organization_Information/e_learning.pdf.

Florida: Has a large and prominent statewide online program, which provides online curriculum and instruction through a partnership with all of Florida's public school districts. Two K–8 pilot programs, Florida Virtual Academy and Florida Connections Academy, also are funded by the state.

Idaho: Has a statewide program created by legislation, the Idaho Digital Learning Academy, and three cyberschools that operate under charter school laws.

Illinois: Has a statewide program, the Illinois Virtual High School, and virtual programs operated by local school districts or through inter-district agreements.

Michigan: Has a statewide program, the Michigan Virtual High School, funded by state appropriations and district membership fees, district-level supplementary programs, and dual enrollments with postsecondary institutions.

Minnesota: Has cyber charter schools and online education programs within districts, and has legislation that sets forth a number of policies directly affecting online education and requiring the state department of education to review and certify online providers.

Ohio: Has 39 online cyber charter schools, called eCommunity schools, and legislation that provides guidance for their operations.

Pennsylvania: Has cyber charter schools and school-district-operated online programs; has legislation clarifying state support of cyber charter schools.

Texas: Has state-funded supplemental programs offered through school districts and through two postsecondary institutions. Also has created a pilot program designed to examine quality assurance mechanisms for online courses.

Wisconsin: Has a statewide program, the Wisconsin Virtual School, operated by a regional education service agency and several cyber charter schools, whose existence is encouraged by Wisconsin's open enrollment law.

3. Issues Analysis: State Policies

Program Types

Online education programs are diverse in organization and operation but are primarily defined by two dimensions—cyberschool vs. supplemental and statewide vs. single district. Within the dimensions, there are five basic types of online programs: statewide supplemental programs, district-level supplemental programs, single-district cyberschools, multi-district cyberschools, and cyber charters. The varying characteristics of these programs raise significant issues about the role, management, and support of online learning in public education. Many operational issues are directly affected by program characteristics that are determined by the placement of the program within these two dimensions. For example, funding needs and mechanisms for a statewide program will differ from those of a single-district program. Likewise, a supplemental program will use different methods for providing student support than a cyberschool (because the supplemental program works with the physical school in which the student is enrolled). State policy needs to respond to the range of online programs, rather than treating all online programs as a single species.

Student Demographics

Very little tracking of online students occurs at the state level; anecdotal evidence suggests that online programs tend to have students at the low and high ends of student achievement. If a

state has collected information, this information resides in a larger database of student information and has not been disaggregated from information obtained on students in brick-and-mortar schools. Some states have begun to institute reporting requirements for online programs, and more information will soon be available in those states about students who are choosing online learning. In most states, however, no plans are in place for tracking and reporting online student information.

The Roles of State Education Agencies

The roles of state education agencies in supervising or regulating online learning vary widely by state. In general, however, states only recently are beginning to shape state-level policy aimed specifically at online learning. As of early 2004, states typically do not collect information on the nature of online students or the quality of online programs, and few states have any legislation or regulations specific to online learning.

Funding

With the exception of statewide supplemental programs, funding for cyberstudents is typically tied in some way to state full-time equivalent (FTE) funding. Few states have made policy decisions to fund online students in ways or amounts that differ significantly from funding for students in physical schools.

Curriculum

States apply content standards created for physical school courses to online courses and have not created curriculum standards specific to online courses. Some online programs have created their own curriculum standards.

Teacher Qualifications and Evaluation

States require that online teachers are state certified at the same level as teachers in physical schools. No state requires certification or training specific to teaching courses online. In many cases, online programs are implementing their own teacher training programs.

Accountability for Student Achievement

All states require online students to take part in state assessments, but no states have additional requirements for student outcomes in online programs. State policies often mandate that online programs establish particular types of rules or procedures and show progress towards stated goals; these mandates are generally quite broad and leave substantial discretion in the hands of the administrators of the online programs. Such discretion is essentially the same as that given by states to the operation of physical school districts and charter schools.

Equity and Access

All states require online programs and cyberschools to comply with nondiscrimination laws, but these laws are not specific to online education. Some states have addressed digital divide inequities in access, but few states have addressed equity in terms of income or specific student needs.

Effect of No Child Left Behind

Although educators see online education as a potentially valuable tool for meeting requirements of the federal Elementary and Secondary Act of 2001 (No Child Left Behind—NCLB), it is too early to tell whether and how NCLB will affect online programs.

4. Issues Analysis: Statewide Programs

Operations

All of the statewide programs studied are entirely or primarily supplemental programs serving mostly high school students. Some programs also have small numbers of middle school students. Statewide programs collectively have a wide variety of student types; not surprisingly, they reach students whose needs are not being completely met by their brick-and-mortar schools, including students unable to take a course due to lack of availability or a scheduling conflict, as well as students needing credit recovery.

Funding

Almost all statewide programs were initially funded by government grants, either in the form of state appropriations or a grant from the state department of education. State funding of programs has varied widely from a low of just over $100,000 to more than $20 million. Most programs charge course fees, ranging from $100 to $325 per student for each one-semester course, to partially offset ongoing costs. Florida Virtual School is the only statewide program supported through state education per-pupil FTE funding; it also is the only statewide program funded on the basis of successful course completions rather than some version of attendance.

Curriculum

The courses of statewide programs are either homegrown or purchased/licensed from vendors or other programs. Some statewide programs develop all or almost all of their own courses, some license all their courses, and many programs use a mix. Programs require that courses meet state content standards where applicable. In most states, however, because local physical schools grant credit, the physical schools are ultimately responsible for evaluating course quality.

Teachers

Statewide programs tend to employ part-time teachers hired on contract to teach the courses. Florida Virtual School is an exception with an even split between part-time and full-time teachers. Statewide programs have processes and criteria for evaluating teachers, although almost none of these are state mandated.

Quality Assurance

Even in the absence of state-policy quality mandates, quality assurance is emphasized in almost all statewide online programs. Most statewide programs have substantial mechanisms for assuring the quality of the courses and teachers.

Equity and Access

Statewide programs address access issues through a mix of adherence to federal laws (e.g., the Americans with Disabilities Act) and processes designed to meet such needs. There are no examples of policies related to access that are specific to the online environment and go beyond the requirements of the Americans with Disabilities Act, but all statewide programs indicate some level of accommodations in practice in developing and delivering courses.

Equity is addressed in different ways by different programs. Some programs have a mandate to address needs of underserved students or students from high-poverty districts, and others have partnerships with or give priority to students from rural, urban, or low-performing school districts. In addition, some programs assist low-income families with acquiring hardware and software in order to access online courses.

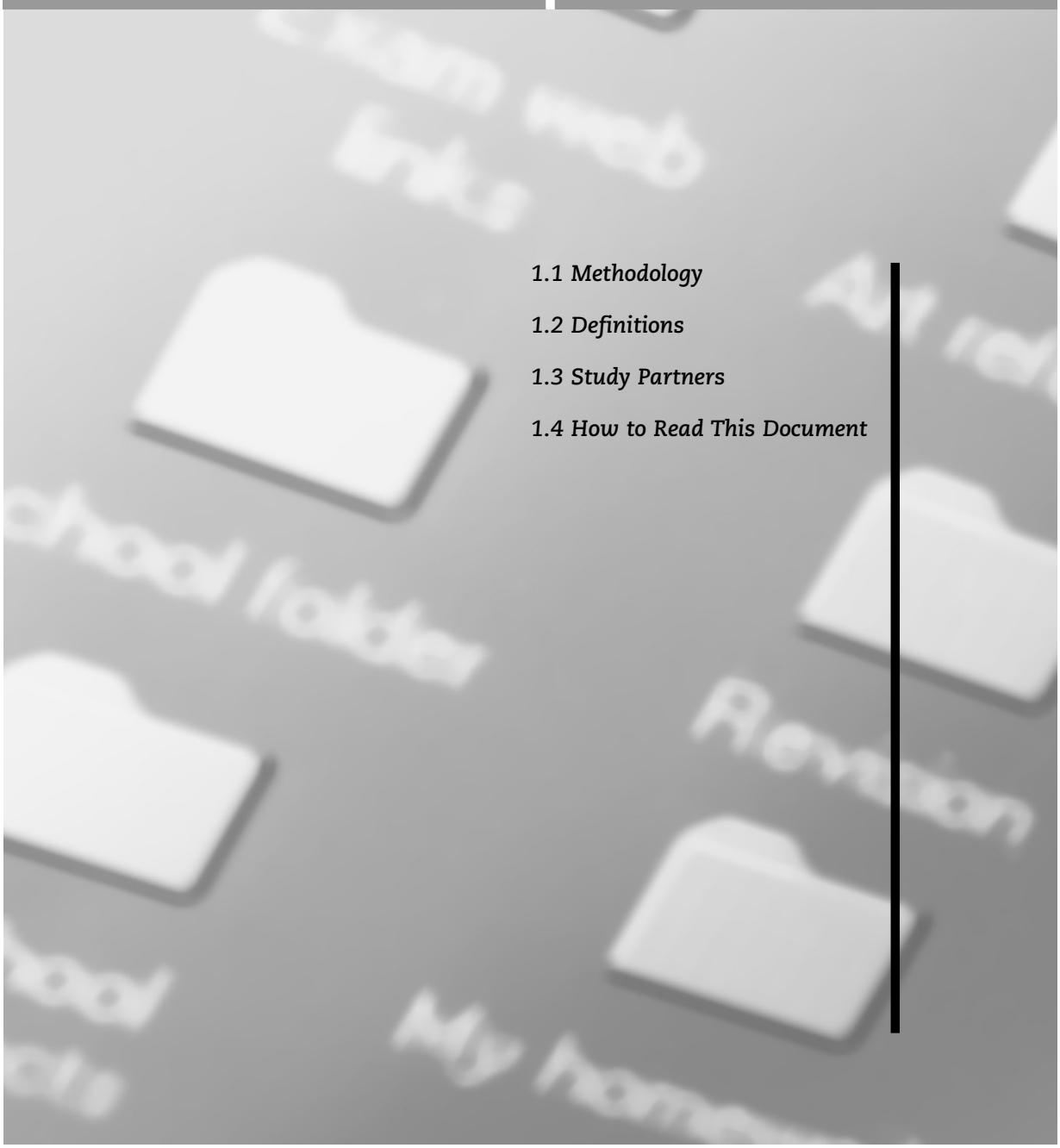
5. Implications

The findings from research into the policies and practices of online education programs in states across the country suggest a number of issues that warrant further consideration. The issues explored in this section are not drawn empirically from research data. Instead, the data from the sample states plus anecdotal evidence based on conversations with practitioners led the study's authors to make the inferences presented. These include the following:

- Although online education programs are used by a small percentage of total student populations, they are growing rapidly and already are having a significant impact on public education.
- In some states, online education vendors are driving the development of online programs and practices. In some cases, vendors compete with public schools for funding, creating a situation in which the growth of online education is driven by funding opportunities and threats, rather than students' educational needs.
- State policies rarely provide specific outcome requirements for online programs, relying instead on local district quality controls, state assessment tests, and self-enforced guidelines established by online programs. While this approach matches the policy applied to physical schools, it raises concern because online learning practice is new and not well understood (especially by the local district policymakers). To date, little research has been done to compare outcomes for online students against outcomes for physical school students. As a result, little is known about the quality of online learning.
- Online education practices are being developed in the absence of clear state-level guidance, and the window for proactively developing such guidance ahead of practice is closing. States are attempting to apply to online programs policies created for physical schools, and these policies often do not fit well.
- States apply physical school policies pertaining to special-needs students to online learning; no state has yet created specific policies related to online learning. In the absence of such policies, students' needs—especially those that are not academic—are often neglected.

The "ad hoc system of education" that the National Association of State Boards of Education warned about has gathered strong momentum, with only a few states—albeit an increasing number of them—taking action to establish the "firm policy guidance" the association called for. Although some states are establishing policies and pilot studies to help them manage the development of K–12 online learning, in most states online education is still largely unknown and little understood by state policymakers. If online programs are seen as acting outside the best interests of students, or in an unregulated fashion, the growth of these programs may simply be proscribed rather than developed in beneficial directions; alternatively, online programs may provide yet another tool for undermining the mission and viability of public schools. Before the window of policy opportunity closes, states must move urgently to develop appropriate mechanisms to provide a framework of sustainability and value that will enable online education to flourish and to meet the diverse needs of students.

SECTION 1 | *Introduction*



1. INTRODUCTION

Online learning holds promise for providing new educational opportunities to a wide range of students across the country. The rapid expansion of K–12 online learning, however, threatens to outpace the development of appropriate state-level policies that serve to fulfill the promise. As the National Association of State Boards of Education warned more than two years ago, "In the absence of firm policy guidance, the nation is rushing pell-mell toward an ad hoc system of education that exacerbates existing disparities and cannot assure a high standard of education across new models of instruction."[2]

This study was undertaken to ascertain what states are doing to address the need for policy guidance. The report provides information on specific topics of K–12 online learning policy practice as well as analysis and discussion of the issues. In order to obtain current and illuminating information on policies and practices across the nation, four organizations joined to fund and guide this study. The partnering organizations—Colorado Department of Education, Illinois Virtual High School, Learning Point Associates, and Wisconsin Virtual School—contracted with two consultants to conduct research via telephone interviews, literature reviews, and Internet searches. The consultants obtained and evaluated information related to the following issues:

- Policies and practices ensuring that students obtain high-quality learning experiences and the level of support they need to be successful as online learners.
- Ways in which online learning can enrich the educational choices available to K–12 students.
- Appropriate methods of paying for online learning.
- Successful strategies for meeting the needs of students with disabilities, highly mobile students, at-risk students, and other students who are not in the "mainstream" of education.
- Combinations of state, district, and online program policies that create a viable policy framework.

1.1 Methodology

Twenty-two states—representing a national cross-section in terms of geography, population size, population density, and student demographics—were chosen for initial review. For each state, a combination of Web research and phone interviews was conducted in order to determine whether there was significant online activity and/or policy development in the state that would warrant further research for the purposes of this study. In most cases, the starting point was either a prominent statewide online program (e.g., the Illinois Virtual High School) or the state department of education. Initial phone calls often led to acquisition of documents which, upon review, led to further phone interview questions. For each state, answers to the following questions were sought:

- What online learning activity is occurring at the K–12 level within the state?
  - What types of programs are operating?
  - How many students are in online programs, and what are the characteristics of these students?
  - Is there a statewide online program, and, if so, what are its function and operation?

[2] National Association of State Boards of Education. (2001). *Any time, any place, any path, any pace: Taking the lead on e-learning policy.* Retrieved May 4, 2004, from http://www.nasbe.org/Organization_Information/e_learning.pdf.

- What state-level policies and other guidance are being developed in order to monitor or regulate the development of online learning programs?
  - How are online students and programs tracked?
  - How have online issues been explored (e.g., a state-level task force, public report, or similar)?
  - What laws or regulations have been created that specifically address online education?

Eleven states were selected for further study. These states and the rationale for choosing each state are presented below.

California: Has a statewide program; has enacted legislation that addresses numerous online education issues and establishes a pilot program to provide per-pupil full-time equivalent (FTE) funding to a limited number of online programs.

Colorado: Has a statewide program; has extensive cyberschool activity; has active state department of education involvement in online issues.

Florida: Has the largest and most established virtual school program in the country; also has extensive policies at the state level.

Idaho: Has a statewide program, cyber charter school activity, and two laws relevant to online education.

Illinois: Has a centralized approach in which most online education activity in the state is conducted by the statewide virtual high school.

Michigan: Has a statewide virtual high school with a unique district-level membership and a close connection with the virtual university.

Minnesota: Has extensive charter school activity and legislation that explicitly addresses online programs.

Ohio: Has enacted significant legislation regarding quality assurance and requirements for cyberschools.

Pennsylvania: Has experienced significant public conflict between cyber charter schools and school districts; also has experienced large growth in cyber charter schools prompted by state legislation.

Texas: Has a statewide virtual school initiative; also has produced studies, policies, and pilot programs in response to the state Legislature's review of quality control issues.

Wisconsin: Has a statewide supplemental program; also has a longstanding "choice" policy environment, which encourages development of charter cyberschools.

Profiles for each of these states are provided in Section 2, "State Profiles," beginning on page 18.

The 11 states not selected for further study were Alaska, Connecticut, Kansas, Kentucky, Maryland, Mississippi, New York, Oregon, South Dakota, Utah, and Washington. With some exceptions, the states not selected for further study tend to have less online education activity than the states that were selected. However, some states were not selected for further study despite significant online education activity because their activity is similar to other states that were studied, and because time and resource constraints limited the total number of study states. Noteworthy programs, policies, or other significant online education activity in states not studied include the following:

- Kansas has a well-established K–12 online learning program, Virtual Greenbush, and has just promulgated (April 2004) regulations that significantly increase state oversight and responsibility for the quality of all of the state's online learning programs.[3]
- Kentucky has a well-established virtual high school, the Kentucky Virtual High School (KVHS), and much of the state's online education activity revolves around KVHS. State policy has addressed issues of seat time and where and when students may take an online course.
- In Maryland, the Department of Education manages the Maryland Virtual Learning Opportunities (MVLO) agency. MLVO has developed extensive quality-assurance practices to guide the development of online courses within the state.
- In Oregon, four educational service districts have created and manage a supplemental online program, Oregon Online (OO). OO operates across much of the state, although without direct involvement from the Oregon Department of Education.
- Several states are considering online education within the framework of other types of distance learning programs. Both South Dakota and Alaska use videoconferencing more extensively than other states, and both have started looking at how online programs may complement or be integrated with physical school programs based on two-way video.
- In some states, K–12 online education programs are developing within the context of larger statewide efforts to consider how online education should be developed at both the K–12 and postsecondary levels. Washington, for example, created a Digital Education Initiative Task Force that reported on such issues in 2001, and has since created the Digital Learning Commons to serve as a central focus for online education activities in the state.

1.2 Definitions

The report uses several terms in specific ways, in order to improve the clarity with which information is presented. Some key definitions are offered here, and a full list is provided in Appendix A.

- **Online learning program:** An educational organization that develops and offers online instruction and content. An online learning program may be a cyberschool, or it may provide supplementary learning opportunities for students enrolled in physical schools or cyberschools.
- **Supplemental online program:** An online learning program that offers individual courses or other learning opportunities to students who are otherwise enrolled in physical schools or cyberschools; credit for successful completion of these learning opportunities is awarded by the physical school or cyberschool in which each student is enrolled. (Students "enroll" in cyberschools, but they "register for courses" in supplemental online programs.)
- **Cyberschool (Virtual school):** An online learning program in which students enroll and earn credit towards academic advancement (or graduation) based on successful completion of the courses (or other designated learning opportunities) provided by the school. In some states, many cyberschools are charter schools.
- **Statewide online program:** An online learning program created by legislation or by a state-level agency, and/or administered by a state department of education or another state-level agency, and/or directly funded by a state appropriation or grant for the purpose of providing online learning opportunities across the state. Examples of statewide online programs include the Florida Virtual School, Illinois Virtual High School, and University of California College Preparatory Initiative.

[3] The new Kansas regulations are titled "Online Program Requirements." They were initiated from the Learning Services Division of the Kansas Department of Education and will be monitored by the School Improvement and Accreditation team.

In addition, the report refers to state departments of education. These agencies go by various names, such as Department of Public Instruction; for the sake of simplicity the generic reference "department of education" is used to refer to a state-level agency with K–12 education responsibilities.

1.3 Study Partners

Four organizations—Colorado Department of Education, Learning Point Associates, Illinois Virtual High School, and Wisconsin Virtual School—commissioned, funded, and guided this study. Brief descriptions of each organization follow.

Colorado Department of Education

The Colorado Department of Education has general regulatory and policymaking responsibility for K–12 education in the state. As a constitutionally mandated "local control" state, the department's authority is significantly moderated by extensive autonomy within the state's 178 school districts as well as by a strong and growing "choice" movement that encourages charter schools and vouchers. The department has made several efforts over the past three years to guide development of policy amid the rapid growth of K–12 online learning. The department proposed this study in an effort to learn from the experiences and examples of other states. Findings from the study will guide departmental recommendations for state-level regulation and legislation.

Illinois Virtual High School

Created in 2000, the Illinois Virtual High School (IVHS) provides equity of access to the highest quality education opportunities by making online courses available to public, private, and home schools throughout the state in order to supplement and complement the opportunities already available to these students. Specific efforts are made to serve students from low socioeconomic backgrounds, with nearly 60 percent of course registrations coming from such students. Over 100 courses, instructed by Illinois-certified teachers, are currently available to high school students, allowing IVHS to serve advanced students as well as students enrolled in alternative high schools and everything in between. The Illinois Mathematics and Science Academy administers this program on behalf of the Illinois State Board of Education. A very rapidly growing program, IVHS has served over 3,000 students since its founding. IVHS plans soon to provide online professional development and provide courses for elementary and middle school students.

Learning Point Associates

Learning Point Associates, a nonprofit education organization, was founded as the North Central Regional Educational Laboratory (NCREL) in 1984 and is grounded in 20 years of successful research-based solutions for educators and policymakers. Learning Point Associates is dedicated to helping educators improve student learning by equipping them with research-based strategies and services that meet their needs and produce results. As a leader in the field of education, Learning Point Associates strives to be the first choice of educators seeking proven, timely, accessible, and cost-effective solutions to the challenges they face. Learning Point Associates prides itself on the ability to deliver on-time, on-target, and on-budget services. In planning its approach to policy work, Learning Point Associates considers the variety of audiences involved in policymaking and policy-influencing endeavors. One continuing challenge is thinking of new and innovative ways to get education research and policy-relevant data into the hands of more people. Learning Point Associates believes in and has employed a coordinated use of networks

and opportunities—such as this study—to keep abreast of policy issues around virtual learning. The organization's participation in this study ensures that the many providers and decision makers across the country leverage their efforts to more successfully support school reform and developments such as virtual schools.

Wisconsin Virtual School

Wisconsin Virtual School (WVS) is a statewide supplemental online program that partners with school districts throughout the state to offer online education to middle and high school students. WVS provides the content, platform, server, Wisconsin-certified online teachers, technical support, and training. Districts retain control of key policy decisions and enrollment. WVS helps districts define their policies for online learning. The WVS courses are aligned to Wisconsin's state standards as well as national standards.

WVS is interested in collaboratively working with state stakeholders on defining standards and policies for online learning in the state. Becoming involved in this study provides a resource that can be used for the Wisconsin Collaborative Online Network committee, which is currently defining recommendations for standards and policies.

1.4 How to Read This Document

The report is intended to serve more as a reference source than a treatise; as a result, its design emphasizes ready and consistent access to information. The material is presented in a uniform manner, and information is often repeated. For example, information on how online education programs are funded in Colorado is contained within the Colorado statewide profile (Section 2.2) and within the funding discussion of the State Policies analysis section (Section 3). The following document outline should help the reader anticipate how information is presented.

Section 1. Introduction. Presents the rationale for the study, background on the study partners, and methodology.

Section 2. State Profiles. Reviews the state-level policies and statewide programs of 11 states through profiles of three to five pages in length. The profiles use the following format:

- ***Overview:*** A capsule narrative and table that describe the K–12 online learning policies and activity in the particular state.
- ***State-Level Policy Activity:*** Concise, bulleted statements under topics of funding, curriculum, quality assurance, and other issues.
- ***Statewide Program:*** For each state that has a statewide program, a paragraph describing the program, followed by information on the program divided into topic areas.
- ***Primary Resources:*** A list of resources used to compile the state profile. The list is not comprehensive but provides key resources for each state.

Section 3. Issues Analysis: State Policies. A narrative section that analyzes the information compiled on the 11 focus states. The analysis covers the following topic areas:

- Program Type
- Student Demographics
- The Roles of State Education Agencies and Other Statewide Efforts
- Funding
- Curriculum
- Teacher Qualifications and Evaluation
- Equity and Access
- Other Quality Assurance Issues
- Accountability for Student Achievement
- Effect of No Child Left Behind (NCLB)

Section 4. Issues Analysis: Statewide Programs: A narrative section that analyzes the information compiled on the statewide programs in seven of the focus states. The analysis covers the following topic areas:

- Operations
- Funding
- Curriculum
- Teachers
- Quality Assurance
- Equity and Access

Section 5. Implications. A presentation of potentially significant issues, questions for further study, and recommendations offered by the report's authors.

References. The publications cited in this document.

Appendixes. Glossary and significant policy documents created by various states, including text of legislation and state regulations.

SECTION 2 | *State Profiles*

2. STATE PROFILES

For each of the 11 states researched, a state profile addressing study questions is presented. Information is provided in two sections: state-level policies and the statewide program.

Specific issues explored at the state level are the role of the state education agency and other statewide efforts, funding for online learning, curriculum, teacher qualifications and evaluation, accountability for student achievement, and equity and access.

Specific issues explored regarding statewide programs include operations (e.g., number and types of courses and how they are acquired, number of students), funding, curriculum (e.g., number of courses, homegrown or not), teachers (e.g., teacher qualifications and evaluation), quality assurance, and equity and access.

People interviewed for this study at state agencies and statewide programs frequently reported that their agencies are about to develop policies like those the study sought to discover. This is important to note because it shows the dynamic, rapidly changing landscape of online education. But this report, with few exceptions, focuses solely on policies and practices in place as of March 2004. The table below provides a snapshot of activity in each state that was studied. Individual state profiles follow.

Snapshot Table of All States

STATE	STATEWIDE PROGRAM	ONLINE PROGRAM ACTIVITY[4]	POLICY[5]
California	Yes	Moderate	Extensive
Colorado	Yes	High	Minimal
Florida	Yes	Moderate	Moderate
Idaho	Yes	Low	Moderate
Illinois	Yes	None	Minimal
Michigan	Yes	Low	Minimal
Minnesota	No	Moderate	Extensive
Ohio	No	High	Moderate
Pennsylvania	No	High	Moderate
Texas	No	Moderate	Moderate
Wisconsin	Yes	Moderate	Minimal

4 *Online program activity* refers to the number of cyberschools and supplemental programs and the number of students taking online courses from these programs (not including the statewide program).

5 *Policy* refers to the presence or absence of legislation or state-level rule making that specifically addresses online education in intent and language. In many states, online programs are governed through interpretation of charter school law, education code, or other policy that was created for physical schools. For the purposes of this report, these states are not considered to have created policy pertaining to online education.

2.1 California

2.1.1 Overview

California has a large statewide online program, a handful of district-level online programs, and several cyber charter schools. The statewide program, the University of California College Preparatory Initiative (UCCP), was created by legislation and is housed within the University of California at Santa Cruz. It differs from statewide programs in other states in that it targets a select segment of students, providing AP and honors courses to students primarily in rural areas who lack access in their schools to such courses. In addition to UCCP, there are online programs in school districts in Los Angeles, Orange County, Poway, and Clovis. Four of the cyber charter schools in California are associated with K12 Inc.[6]

The online legislative and policy landscape is changing significantly in California since the enactment of Assembly Bill (AB) 294 in 2003. (Refer to Appendix B for the some of the legislation.) The law creates a three-year online education "pilot program," allowing supplemental online programs to apply for and receive average daily attendance (ADA) funding (an FTE funding model) for their programs. The pilot program, being implemented by the California Department of Education, creates requirements for supplemental online programs and will lead to the first systemic tracking of these programs in the state. California's cyber charter schools are governed under charter school laws that are not specific to online programs.

California K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	Yes	• University of California College Preparatory Initiative (UCCP) provides AP and college prep courses across the state. Created 1999.
Other online programs	Yes (Limited)	• Four cyber charter schools, including three K12 Inc. California virtual academies. Also several single-district programs. Legislation passed in 2003 (AB 294) is allowing for FTE funding of 40 supplemental online programs, so the number of district online programs is expected to grow starting in fall semester 2004.
Information collected about online students	No	• Not tracked.
Legislation specific to online education:	Yes	• AB 294 funds programs and creates requirements for funding. Cyber charter schools are governed by existing charter school law.
• Quality	Yes	• Provisions in AB 294 require online programs to have policies in place to address quality issues.
• Access	No	
• Equity	No	

6 K12 Inc. operates "home-based virtual academies" in 11 states and Washington, D.C. The corporation characterizes these academies as combining "the best elements of homeschooling—flexibility and individual instruction—with the support and accountability of a public or private school." Parents are expected to "spend about three hours over the course of a five-hour day working with their children" on the lessons provided through the academy. Information retrieved May 4, 2004, from http://www.k12.com/virtual_academy.

2.1.2 State-Level Policy Activity

State-level policy activity is almost entirely driven by the AB 294 legislation. The law allows state funding to pay for some online students through creation of 40 online "pilot" programs; these will be supplemental online programs for existing schools. AB 294 defines online learning and sets forth how schools can get average daily attendance (ADA) funding (the term for FTE education funding in California) for students in these programs. The California Department of Education technology office is implementing the pilot program. In addition, at least four cyber charter schools are operating in the state and are governed by existing charter school law. Because California legislation does not specifically address these cyber charter schools (as of March 2004), this section focuses on AB 294. All quotes below are taken directly from the legislation unless otherwise noted.[7]

State Education Agency and Other Statewide Efforts

- AB 294 creates a "pilot program" of 40 online "school sites," run by the California Department of Education.
- Two informal statewide efforts to shape online education policy have taken place. UCCP has been involved in efforts to conceive of a larger statewide program serving more types of students than it does presently; it commissioned a report, the *California Virtual School Report*, to look into statewide program issues in 2002. The California Consortium of Virtual Education (CCOVE) is an organization of eight school districts working to provide quality online education for students throughout the state.

Funding

- State education funding is based on average daily attendance (ADA), an FTE model based on seat time. Students of up to 40 online programs will be funded through ADA with some additional specifications. Schools can claim a quarter of an FTE when the student attends the remaining 75 percent of classes in a brick-and-mortar class, meaning that a student must take both brick-and-mortar classes and online classes in order to generate funding for online courses. Students are not funded at more than 1.0 FTE, specifically no more than one day of attendance per calendar day or more than five days per calendar week. Students receive the ADA of the district in which the student resides. If a student resides in one district and takes an online course provided by another district, the districts work out a contractual arrangement.
- Seat time is not directly addressed in the legislation, although it says online programs "shall maintain records to verify the time that a pupil spends online and related activities in which a pupil is involved. The school district shall also maintain records verifying the time the instructor was online."
- There are no limits on funding of students who were not enrolled in public schools in previous years.

Curriculum

- "The subject matter content shall be the same for the online course as for the traditional in-classroom course."
- "The online course shall be approved by the governing board of the school district."
- School districts that offer online courses must "develop and implement" policies for "evaluation of the online courses including a comparison with traditional in-classroom courses."

[7] California Statute AB 294. Retrieved May 4, 2004, from http://www.leginfo.ca.gov/pub/bill/asm/ab_0251-0300/ab_294_bill_20030922_chaptered.html. (Refer also to Appendix B of this document.)

Teacher Qualifications and Evaluation

- "The teacher of an online course shall be online and accessible to the pupil on a daily basis to respond to pupil queries, assign tasks, and dispense information."
- "At each participating schoolsite, the ratio of full-time equivalent certificated teachers teaching through online instruction to pupils engaging in that instruction shall be substantially equivalent to the ratio of teachers to pupils in traditional in-classroom study of the same subject matter."
- "A teacher may teach pupils in one or more online courses…only if the teacher concurrently teaches the same course to pupils in a traditional in-classroom setting in the providing school district or did so within the immediately preceding two-year period."
- "A teacher teaching in an online classroom program shall hold the appropriate subject matter credential."
- School districts that offer online courses must "develop and implement" policies for:
  - "The teacher selection process."
  - "Teacher training for online teaching."
  - "Teacher evaluation procedures."

Accountability for Student Achievement

- No measures are in place that directly address student achievement.

Other Quality Assurance Issues

- Additional quality issues are addressed by requiring school districts that offer online courses to "develop and implement" the following policies:
  - "Test integrity"… "by proctor or other reliable methods."
  - "A procedure for attaining informed consent from both the parent and pupil regarding course enrollment."
  - "Criteria for asynchronous learning including the type and frequency of the contact between pupil and teacher."
  - "Pupil computer skills necessary to take an online course."

Programs must self-certify that they have these and other policies in place as part of their proposal to the California Department of Education, but the department is limited in its ability to confirm the existence or efficacy of these policies. The law calls for a review of "program and fiscal records" of participating schoolsites starting in July 2005; this review is expected to examine in part the policies called for in the law. Specifically, "the Superintendent of Public Instruction shall convene a working group to assess the pilot project…and the fiscal costs of offering instruction through online classroom programs."

Equity and Access

- School districts that offer online courses must "develop and implement" policies for
  - "Criteria regarding pupil priority for online courses."
  - "Equity and access in terms of hardware or computer laboratories."
  - "The provision of onsite support for online pupils."

Other Key Elements of State Policy

- The law defines *online learning* as "a program in which a pupil and teacher interact using online resources, including, but not limited to, discussion boards, Web sites, and e-mail. However, the pupil and teacher need not necessarily be online at the same time."

- "A school district may not have more than five schoolsites that operate an online course…. Each participating schoolsite may provide online courses to a total number of pupils not greater than 15 percent of the total enrollment of that schoolsite."
- "A school district offering an online course may contract with another school district to provide the online course to pupils of the offering school district. Contract terms shall be determined by mutual agreement of the school districts."
- "Only high schools are eligible to offer online instruction," but a district wanting to offer online courses at another grade level can apply for a waiver from the State Board of Education.
- Students cannot be assigned an online course, and students must receive written permission from parent or guardian to take an online course.

2.1.3 Statewide Program

The University of California College Preparatory Initiative (UCCP) is a statewide program providing supplemental online courses to students throughout California. UCCP is run out of the University of California–Santa Cruz and is funded by the state Legislature. "UCCP provides online college preparatory courses, content, test prep and academic support free of charge to students and teachers from eligible schools. UCCP develops media-rich online college preparatory courses (7 developed and 7 in progress) that are designed for Internet 2, aligned to California content standards, and fulfill admission requirements to the University of California. UCCP offers professional development to teachers and educators through its annual Summer Institute, and supports UC Undergraduates, Graduate Students, and Faculty in its course development and delivery efforts."[8]

California Statewide Program Snapshot

CATEGORY	COMMENTS
Operations	
Program type	• Supplemental program providing AP and college prep courses.
Grade level	• High school.
Types of students	• "Students who otherwise would not have the opportunity to achieve eligibility or competitive eligibility for admission to the University of California and other top universities."[9] Most students attend rural schools.
Number of registrations and students	• 6,066 registrations in 2002–03. • 4,605 students in 2002–03.
Governance	• UCCP was created by legislation and is housed within UC Santa Cruz. Policy committee comprised of representatives from postsecondary and K–12 institutions.
Accreditation	• Courses are approved by the University of California articulation process qualifying them as college prep courses.
Funding	
Funding sources	• State Legislature appropriation: for 2003–04, funding is $4 million; in 2002–03, funding was $8.4 million. Future funding in question due to state budget crisis. Demand exceeds supply, so UCCP has criteria for selecting schools based on having 50 percent free and reduced-price lunch, lack of AP courses, and low college-bound student rates.
Course fees	• No.

[8] From document provided by UCCP, *Impact in California High Schools and the UC System*, undated.

[9] From document provided by UCCP, *Impact in California High Schools and the UC System*, undated.

California Statewide Program Snapshot (Continued)	
Curriculum	
Number of courses	• 27 courses total, a mix of homegrown and licensed from Apex Learning, UC Berkeley extension, and Stanford's Education Program for Gifted Youth.
Teachers	
Number of teachers and full-time or part-time	• 3 teachers on staff, one at 80 percent time and one at 30 percent time. Other teachers are provided by course providers.
Quality Assurance	
External evaluation	• Yes.
Students' online readiness requirements	• Student grades, passing rates, and AP exam passing rates are tracked. 65 percent of UCCP students pass AP exams.
Equity and Access	
Online accessibility	• Policy in place to address Americans with Disabilities Act requirements.
Noncourse services for special-needs students	• None reported.

2.1.4 Primary Resources

- California AB 294
  www.leginfo.ca.gov/pub/bill/asm/ab_0251-0300/ab_294_bill_20030922_chaptered.html
  (Also available in Appendix B of this document)
- University of California College Preparatory Initiative (UCCP)
  www.uccp.org
- University of California College Preparatory Initiative. (n.d.). *Impact in California high schools and the UC system*. Santa Cruz, CA: Author.

2.2 Colorado

2.2.1 Overview

Colorado has 20 cyberschools as of October 2003 (with 3,300 student enrollments, 90 percent of those full-time), a prominent statewide program (with approximately 2,000 course registrations for the 2003–04 school year), and numerous district-level supplemental online programs (with an estimated 500 course registrations for the 2003–04 school year). The largest of these cyberschools, enrolling more than half of the state's cyberstudents, is the state's only cyber charter school and is operated by K12 Inc. Two of the state's cyberschools are operated by Connections Academy, Inc.[10] The statewide program, Colorado Online Learning, serves a wide range of students with a focus on those from high-poverty districts. Significant tension exists in Colorado between multi-district cyberschools and physical school districts because of competition over student enrollment (and the state per-pupil funding connected to that enrollment); state policymakers are wrestling with issues of choice, equity, and accountability.

Colorado K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	Yes	• Colorado Online Learning, a supplemental high school level program. Created 2002.[11]
Other online programs	Yes	• District supplemental programs and cyberschools, including a cyber charter licensed by K12 Inc.
Information collected about online students	No	• Not tracked.
Legislation specific to online education:	Yes	
• Quality	Yes	• Several provisions within Colorado statute 22-33-104.6.
• Access	No	
• Equity	Yes	• Colorado statute 22-33-104.6(4) prohibits cyberschools from receiving state per-pupil revenue for students not enrolled in Colorado public schools in the prior school year.

2.2.2 State-Level Policy Activity

Since 2002, Colorado has had three state-level task forces or commissions report on online learning issues. Specific interest has focused on funding issues, particularly determining how much to pay for online learning and the impact on the state budget of formerly home-schooled students enrolling in cyberschools. Quotes in this section are taken from Colorado Statute 22-33-104.6.[12]

State Education Agency and Other Statewide Efforts

- The Colorado Department of Education (CDE) has been involved in online education through convening a task force to consider statewide online education issues, helping to

[10] Connections Academy, Inc., characterizes itself as "a private operator of K–8 virtual public schools." Its schools "operate under management contracts from charter schools or school districts." Connections Academy is a division of Educate, Inc., which recently acquired Sylvan Learning Systems, Inc. It operates schools in six states, with management agreements pending in three others. Parents or other "learning coaches" deliver instruction using daily lesson plans available online. Information retrieved May 4, 2004, from http://www.connectionsacademy.com/index.asp.

[11] Colorado Online Learning (COL) grew out of the Colorado Online School Consortium (COSC), which began in 1998. The transition from COSC to COL occurred in 2002.

[12] Colorado Statute 22-33-104.6 is available through search on the Colorado State Legislature Web site (http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&222-33-104.6, retrieved May 4, 2004).

shape the statewide organization (Colorado Online Learning—COL), providing grant funding for the statewide organization that covers most of that organization's operating costs, consulting with online learning programs, writing state-level regulations for online programs (focused on cyberschools), and reporting to state legislators and the State Board of Education on online education issues.
- Colorado is a "local control" state, giving school districts substantial responsibility for oversight of cyberschools. The state holds school districts accountable through a system of district accreditation.

Funding
- Funding is based almost entirely on per-pupil revenue (PPR), an FTE funding model that sets a minimum level of funding, which is adjusted upward based on a number of factors (primarily district size).
- PPR funding is limited to 1.0 FTE per student. For students attending more than one school, PPR may be split in half but not into smaller units. In cases where students are taking more than half of an FTE class load in two schools, the districts involved negotiate payment split or, in rare cases, the split is determined by CDE.
- Most cyberstudents are funded at the state minimum PPR level ($5,511 for school year 2003–04). For a small number of cyberstudents who were enrolled in cyberschools during the 2001–02 school year (143 in school year 2003–04), cyberschools receive a higher level of PPR.
- Single-district cyberschools get funded at the district's regular PPR unless the student is taking more than 50 percent of courses online, in which case the district receives the state minimum.
- No official policy exists for determining a seat time equivalent for cyberstudents. Cyberschools must demonstrate that students are actively involved in online courses with determination made by CDE, which sometimes audits programs.
- State law prohibits cyberschools from obtaining PPR funds for students who were not enrolled in a public school in the previous school year, unless the students receive a special-needs exemption (about 50 in 2003–04).
- Cyberschools may receive PPR funding only for students who reside in Colorado.

Curriculum
- Online learning programs are expected to adhere to state content standards; this adherence is determined through district oversight of online programs.

Teacher Qualifications and Evaluation
- All teachers in Colorado, including online teachers, must be licensed by the state. Evaluation is solely the responsibility of the school or program.

Accountability for Student Achievement
- The Department of Education requires that cyberstudents take the Colorado Student Assessment Program (CSAP). Cyberschools have gone from few students taking CSAP three years ago to 75- to 100-percent participation in CSAP in the 2003–04 school year.
- Online programs must include "regular assessment…as to whether a child participating in the program is progressing on a regular basis toward assigned work."
- "Each child participating in an on-line program shall be evaluated, tested, and monitored at the same intervals as other students in the grade level in the child's school."
- Online programs must include a "process…to…notify any child who is not performing satisfactorily in the on-line program…and shall identify other educational alternatives available to such child."

Other Quality Assurance Issues

- Individual programs have quality assurance policies and processes, but there are no state-level quality assurance policies.

Equity and Access

- No policies exist regarding equity and access.

Other Key Elements of State Policy

- None reported.

2.2.3 Statewide Program

Colorado Online Learning (COL) emerged from an online program operated by a consortium of 60 school districts (out of the state's 178 school districts). Its creation as the statewide program was guided by the recommendations of the Colorado E-Learning Task Force (convened by the Colorado Department of Education—CDE—from November 2002 to June 2003) and articulated in the grant program that CDE established in fall 2003 to provide primary funding for a statewide supplemental online program. COL primarily provides a core high school curriculum, with an effort to expand its offerings to middle school curricula and courses adapted to nontraditional students. COL also is exploring strategies for expanding its role as the provider of online learning for districts—including taking full-time students (who would remain enrolled in their local school districts) and coordinating all online learning statewide. (The latter step would require state legislation, which, as of March 2004, is being considered in the current session of the state Legislature.)

COL has an extensive and noteworthy system for quality assurance, which applies to both its course design and its teachers.

Colorado Statewide Program Snapshot

CATEGORY	COMMENTS
Operations	
Program type	• Supplemental.
Grade level	• High school (with a few middle school math courses).
Types of students	• The majority of students come from high-poverty school districts. • District level data from 2002 shows just over half of all students coming from high-poverty districts. • No additional student demographics tracked.
Number of registrations and students	• 2000 registrations. • About 1,500 students.
Governance	• Governing board made up of representatives from districts; a Board of Cooperative Educational Services (BOCES) acts as fiscal agent.
Accreditation	• COL is applying for accreditation through the Commission on International and Trans-Regional Accreditation (CITA). • Individual districts grant credit for courses.
Funding	
Funding sources	• Primary funding source: grant from Colorado Department of Education from federal Enhancing Education Through Technology funds.
Course fees	• $100 per student per course per semester for districts that exceed state average of poverty-level students. • $200 for all other districts.

Colorado Statewide Program Snapshot (continued)	
Curriculum	
Number of courses	• 2003–04 school year: 43 courses. • 37 are homegrown. • 6 courses are owned by instructors.[13]
Teachers	
Number of teachers and full-time or part-time	• 27, all part-time on contract. • 2 staff members teach courses, but all others on contract. Hiring first full-time teacher in math. • Most teach one course; language teachers teach all courses in the language.
Quality Assurance	
External evaluation	• Yes.
Students' online readiness requirements	• No requirements. • Informal self-assessment available for students on Web site. • Relies on local school to provide counseling and advising to student.
Accountability for student achievement	• Tracking course completion rate (76 percent in fall 2003). *Course completion* defined as student completing course with D or better in prescribed time.
Teacher qualifications	• All teachers required to be Colorado licensed. • Teachers strongly encouraged, but not required, to take an online course.
Teacher evaluation	• Teacher self-assessment form is required. • COL instructors are expected to participate in their online courses as fully as they would a traditional classroom course. • Quality assurance process incorporates numerous teaching elements.
Curriculum	• Extensive course quality-assurance process based on policies designed to "assure high quality standards-based courses via initial course approval and continuous curricular and pedagogical improvement."[14] • Courses reviewed for content and instructional strategies. • Class size limited to 20 students.
Equity and Access	
Online accessibility	• There is no formal policy in place, but Executive Director Tim Snyder says COL is compliant with Section 508 and accessibility concerns affect decisions including selection of course platform.
Noncourse services for special-needs students	• No policies, but processes are in place to reach nontraditional and special-needs students. Lower fees are charged for high-poverty districts.

2.2.4 Primary Resources

- Colorado Statute 22-33-104.6 (text available through search) 198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&22-33-104.6
- Colorado Online Learning. (2004). *Quality assurance program.* Retrieved May 4, 2004, from http://www.col.k12.co.us/qualityassurance/fullQAP.pdf
- Colorado State Board of Education. (2003). *Rules for the administration of Colorado cyberschools in association with the allocation of online program positions.* Retrieved May 4, 2004, from http://www.cde.state.co.us/cdeboard/download/bdregs_301-56.pdf

[13] Instructors developed these courses and offer them through COL. They are paid only course-teaching fees but retain copyright.

[14] Colorado Online Learning Quality Assurance Program. Retrieved May 4, 2004, from http://www.col.k12.co.us/qualityassurance/fullQAP.pdf.

2.3 Florida

2.3.1 Overview

Florida has a large and prominent statewide online public school, Florida Virtual School (FLVS), which provides online curriculum and instruction through a partnership with all of Florida's public school districts. Two K–8 pilot programs, Florida Virtual Academy (operated by K12 Inc.) and Florida Connections Academy (operated by Connections Academy, Inc.), also are funded by the state. Though other online programs and course offerings exist at the district level, the Florida Department of Education (FLDOE) does not track these.

FLDOE looks to FLVS as the model for Florida online programming, and the majority of Florida legislation affecting online education pertains to FLVS. In 2000, legislation established FLVS as an independent education entity. Legislation enacted in 2002 and 2003 granted parental right for public school choice, listed FLVS as an option, and defined full-time-equivalent (FTE) students for FLVS based on "course completion and performance" rather than traditional seat time. The legislation responds to the initiative passed by Florida voters in 2002 requiring a significant decrease in class size across the state by 2010. In 2003, the Florida Legislature also funded a K–8 Virtual Pilot program, through which the FLDOE will study the effect of virtual programs on public school class size. (Refer to Appendix C and Appendix D for the 2003 Florida Virtual School legislation.)

Florida K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	Yes	• Florida Virtual School (FLVS) offers core curriculum, honors courses, AP courses, out-of-state GED courses, elective courses. • Created 1997.
Other online programs	Yes	• K–8 Virtual Pilot Program: The Florida Virtual Academy (FVA) and the Florida Connections Academy (FCA). • Other district-level programs exist outside of FLVS, FVS, and FCA, but are untracked at this time by Florida Department of Education (FLDOE).
Information collected about online students	No	• Not tracked.
Legislation specific to online education:	Yes	• Florida online high school (FLVS) governance (2000 Florida statutes). • FLVS FTE definition (2003 Florida statutes). • K–8 Virtual Pilot project (Senate Bill 2A).
• Quality	No	• According to FLDOE, state law and regulations apply.
• Access	No	• According to FLDOE, state law and regulations apply.
• Equity	Yes	• Parental right to public school choice, including FLVS (2002 Florida statutes).

2.3.2 State-Level Policy Activity

State-level legislation and policy focus on Florida Virtual School (FLVS) through its 2003 Florida statutes, and on the 2003 K–8 Virtual Pilot Project. Other district-level online programs are under local control.

State Education Agency and Other Statewide Efforts

- The FLDOE commissioner of education monitors FLVS's performance and reports this performance to the State Board of Education, but a 2000 statute established FLVS as an independent education entity with a gubernatorial-appointed governing board.
- FLDOE established a K–8 Virtual Pilot project in response to Senate Bill 2A and, in 2003, accepted petitions by K12 Inc. to open Florida Virtual Academy, and Connections Academy, Inc., to open Florida Connections Academy, both independent public schools.
- Parents of public school students were given the right to seek whatever "public school choice options [were] applicable…and available to students in their school districts" and, among other alternative options, listed FLVS.[15]
- The definition of a full-time equivalent (FTE) student for FLVS was changed to "successfully completed six credits," eliminating seat time from the funding formula and focusing on course completion and performance.[16]

Funding

- Funding model is per FTE, as part of the Florida Education Finance Program, based on seat time with exceptions for FLVS.
- FLVS's FTE is defined as successful course completion rather than seat time, calculating course completion and performance. If a student fails the course, FLVS is not funded.[17]
- A FLVS full-time equivalent student is defined as "one student who has successfully completed six credits" that count toward high school graduation. "Half credit completions shall be included in determining a full-time equivalent student."[18]
- School districts may not limit student access to courses offered through FLVS.
- FLVS full-time equivalent student credit can be reported only by FLVS. Other school districts can report full-time equivalent student membership only for the courses they offer.
- Students may enroll in one to six FLVS courses.
- K–8 Virtual Pilot Schools are funded by grants up to $4,800 per student with an enrollment not to exceed 1,000 students. Only students who attended public schools the year before are eligible for funding, which precludes kindergarten students. Students participating in the K–8 Virtual Pilot grants are not eligible for funding during the time they are receiving those services.[19]

Curriculum

- Generally, it is up to the local school, including FLVS, to ensure that online content meets standards.
- K–8 Virtual Pilot schools must meet Sunshine State Standards for curriculum and content to be eligible for pilot participation.
- K–8 Virtual Pilot schools must administer the Florida Comprehensive Assessment Test (FCAT), which is the state test geared to the Sunshine State Standards, or, for those grades not required to take the FCAT, local assessments and the K–3 state-approved assessment for reading.

Teacher Qualifications and Evaluation

- For state certification, online teachers must meet traditional brick-and-mortar requirements. Local schools determine any other requirements.
- Teacher evaluation decisions are made at the district level.

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15 Florida 2002 Statutes. K–20 Education Code: K–12 Students and Parent Rights 1002.20 Public School Choices. Retrieved May 4, 2004, from http://www.flsenate.gov/Statutes/index.cfm?StatuteYear=2002.

16 Florida 2003 Statutes. K–20 Education Code. Student and Parental Rights and Educational Choices: 1002.37 The Virtual School. Retrieved May 4, 2004, from http://www.flsenate.gov/Statutes/index.cfm?StatuteYear=2003.

17 Florida 2003 Statutes. K–20 Education Code. Student and Parental Rights and Educational Choices: 1002.37 The Virtual School. Retrieved May 4, 2004, from http://www.flsenate.gov/Statutes/index.cfm?StatuteYear=2003.

18 Florida 2003 Statutes. K–20 Education Code. Student and Parental Rights and Educational Choices: 1002.37 The Virtual School. Retrieved May 4, 2004, from http://www.flsenate.gov/Statutes/index.cfm?StatuteYear=2003.

19 Senate Bill 2A, Chapter 2003-397, Laws of Florida: 4D Special Categories, Kindergarten Through Grade Eight, Virtual Education from Educational Enhancement Trust Fund. Retrieved May 4, 2004, from http://www.firn.edu/doe/strategy/pdf/2003-397.pdf.

Accountability for Student Achievement

- The Florida Comprehensive Assessment Test (FCAT) is mandated for all Florida public school students. Means of administering the test are under local authority. The K–8 Virtual Pilot schools must provide physical locations for the testing.

Other Quality Assurance Issues

- None reported.

Equity and Access

- Same as traditional schools and under local authority.
- K–8 Virtual Pilot schools must loan computers to enrolled students.

Other Key Elements of State Policy

- None reported.

2.3.3 Statewide Program

Florida Virtual School (FLVS) is an online public school funded by the Florida Education Finance Program. Its projection for 2003–04 student enrollments is over 20,000. FLVS is not a diploma-granting institution, but it awards full-time equivalent student credit for FLVS courses completed. FLVS combines originally authored content with supplemental resources from providers such as United Learning, SAS@School, MathResources, and College Board AP content. FLVS courses consist of core academic subjects in the middle and high school grades, many elective courses, honors courses, and AP courses. FLVS will license its courses to schools and districts as part of a franchise program, overseen by the FLDOE commissioner of education, and has partnerships with the 67 Florida public school districts.

Florida Statewide Program Snapshot

CATEGORY	COMMENTS
Operations	
Program type	• Statewide supplemental program. • Courses offered: core curriculum, honors courses, AP courses, AP exam review package (TBA 2004), out-of-state GED courses, elective courses.
Grade level	• Grades 7–12.
Types of students	• 75 percent public school, 20 percent home-schooled, and 5 percent private school students. • Enrollment is given to those students from low-performing schools and students seeking accelerated access in order to obtain a high school diploma at least one semester early.
Number of enrollments and students	• 2002–03: 10,000 enrollments. • Projected 2003–04: 20,000-plus enrollments. • 14,000 students.
Governance	• Governing board appointed by the Florida state governor. • Housed in the FLDOE's Office of Independent Education and Parental Choice. • FLDOE commissioner of education approves and oversees accountability of all FLVS franchises.
Accreditation	• Southern Association of Colleges and Schools (SACS). • Commission on International and Trans-Regional Accreditation (CITA).

Florida Statewide Program Snapshot (continued)	
Funding	
Funding sources	• Primary funding source: FTE via the Florida Education Finance Program, based on a funding formula that calculates completion and performance of students, not seat time. FTE=6 credits/1 FTE (12 half credits=1 FTE), $4,820 per student. • 8 percent of funding from services and sales of courses revenue. • Tuition for out-of-state students: 100 to 150 students. • Additional general appropriations funds when applicable.
Course fees	• Free to all students, including home-schooled and private school students. • Non-Florida residents are charged tuition.
Curriculum	
Number of courses	• 75 courses.
	• 100-percent developed by internal staff at FLVS; a 2004 collaboration with West Virginia, Maryland, and Kentucky virtual schools will create two courses.
Teachers	
Number of teachers and full-time and part-time	• 150 teachers. • 50 percent full-time; 50 percent adjunct (part-time). All teachers have Florida teaching certificates and are certified in the subject that they teach.
Quality Assurance	
External evaluation	• Yearly outside survey evaluation (2003: Optima).
Student online readiness requirements	• Online self-survey ("Is online learning right for me?" type). • Module 1 of each course: student coaching.
Accountability for student achievement	• End-of-course examination. • Tracks AP exam results. • Monthly progress reports: percent of course completed, pace of the student, contact with teacher maintained by student.
Teacher qualifications	• All teachers licensed and certified in content area. • Required training includes face-to-face and online training and mentoring.
Teacher evaluation	• Teacher surveys: Students three-quarters through course will fill out teacher-specific, course-specific evaluation of teacher performance. • Ongoing performance review by instructional leaders includes: analysis of data in monthly student progress report phone log tracking, assignment monitoring, e-mail, random phone calls to parents and students.
Curriculum	• Aligned to Florida state standards and national standards. Alignment is assessed through peer review teams.
Other	• None.
Equity and Access	
Online course accessibility	• Compliant with Americans with Disabilities Act—two- to three-year effort to move all courses into compliance. • Course design standards for special-needs students—self-pace, assignment resubmission, assignment choices that meet varied learning styles. • Priority registration given to students in rural or low-performing school districts.
Noncourse services for special-needs students	• None reported.

2.3.4 Primary Resources

- Florida 2000 Statutes – Distance Learning: Florida Virtual School Governance
  www.flsenate.gov/Statutes/index.cfm?StatuteYear=2000
- Florida 2002 Statutes – K–20 Education Code: K–12 Students and
  Parent Rights 1002.20 Public School Choices
  www.flsenate.gov/Statutes/index.cfm?StatuteYear=2002
- Florida 2003 Statutes – K–20 Education Code. Student and Parental Rights and
  Educational Choices: 1002.37 The Virtual School
  www.flsenate.gov/Statutes/index.cfm?StatuteYear=2003
- Florida Senate Bill 2A – Chapter 2003-397, Laws of Florida: 4D, Special Categories,
  Kindergarten Through Grade Eight, Virtual Education from Educational Enhancement Trust Fund
  www.firn.edu/doe/strategy/pdf/2003-397.pdf
- Florida Department of Education – Independent Education and Parental Choice
  www.firn.edu/doe/charterschools/ik12pub.htm

2.4 Idaho

2.4.1 Overview

Idaho has a statewide program, the Idaho Digital Learning Academy (IDLA), and three cyber-schools that operate under charter school laws as interpreted by the Idaho Department of Education. In addition, educators at the state level believe that some districts are using online education to supplement physical classrooms at a limited level, but these programs are not tracked by the state. The IDLA was created by legislation and first offered courses in fall of 2002. The law creating IDLA includes brief mention of quality and access issues but does not go into detail in these or other areas. In several areas, the law calls for policies to be created by the Idaho State Board of Education, but these policies have not yet been created. The IDLA has processes that address quality assurance, teacher readiness, and access, but no formal policies. The three cyberschools (one of which is a K12 Inc. virtual academy) operate under charter school laws, with no legislation or formal policy specific to online education.

Idaho K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	Yes	• Idaho Digital Learning Academy (IDLA), a supplemental high school level program. • Created 2002.
Other online programs	Yes (Limited)	• Three cyberschools plus a few district programs. Cyberschools are Idaho Virtual High School, Idaho Leadership Academy, and Idaho Virtual Academy
Information collected about online students	No	• Not tracked.
Legislation specific to online education:	Yes	• Legislation created IDLA. Idaho Code 33-1003C allows online instruction to be included in the calculation of attendance for state funding; and SB 1444 has updated online charter school legislation.
• Quality	Yes	• Very limited; statement in IDLA legislation says director of IDLA is responsible for quality assurance.
• Access	No	
• Equity	No	

2.4.2 State-Level Policy Activity

With the exception of the legislation creating the IDLA, the only state-level legislation applicable to online education in Idaho is charter school law. Examples and quotes below are taken from charter school law[20] unless otherwise noted.

The law's stated intent is "to provide opportunities for teachers, parents, students and community members to establish and maintain public charter schools…as a method to…utilize virtual distance learning and on-line learning" [among other goals].

Charter law says that a charter school is authorized by a school district and serves students in that district, unless the school is authorized, on appeal, by the State Board of Education, through a new charter school commission. Cyberschools are operating and attracting students from across the state, and this issue is being looked at by the Legislature in the 2004 session.[21]

[20] Idaho Statute: Title 33, Chapter 52. Retrieved May 4, 2004, from http://www3.state.id.us/idstat/TOC/33052KTOC.html.

[21] Bicker Therien, director of Idaho Digital Learning Academy (personal communication, February 17, 2004).

State Education Agency and Other Statewide Efforts

- The Idaho Department of Education officially houses the Idaho Digital Learning Academy (IDLA), although the IDLA operates independently. The department also oversees cyberschools through interpretation of charter school law primarily meant for physical schools. It does not oversee programs of school districts.

Funding

- Cyber charter schools are funded at a more favorable rate than other public schools in Idaho, based on average daily attendance and a specific formula.
- Funding is calculated according to new statutory criteria as of the 2004 legislative session.
- Funding of students who were previously home-school students is not recognized as a concern within the charter school law. There is no limitation on FTE funding of these students.

Curriculum

- No requirements exist in law or regulation specifically regarding cyberschool curriculum; however, all charter schools are to meet state accreditation standards, which include curriculum quality indicators.

Teacher Qualifications and Evaluation

- "Instructional staff shall be certified teachers, or [the charter school] may apply for a waiver or any of the limited certification options as provided by rule of the state board of education."

Accountability for Student Achievement

A charter school must describe:

- "The measurable student educational standards identified for use by the charter school. 'Student educational standards'…means the extent to which all students of the charter school demonstrate they have attained the skills and knowledge specified as goals in the school's educational program."
- "The method by which student progress in meeting those student educational standards is to be measured."
- "A provision by which students of the charter school will be tested with the same standardized tests as other Idaho public school students."

Other Quality Assurance Issues

A charter school must describe:

- "The educational program of the charter school, designed among other things, to identify what it means to be an 'educated person' in the twenty-first century, and how learning best occurs. The goals identified in the program shall include how all educational thoroughness standards as defined in…Idaho Code shall be fulfilled."
- Charter schools also must provide a report annually to the chartering school board or the state. The report must indicate student progress toward meeting educational standards.

Equity and Access

- A charter school "shall not discriminate against any student on any basis prohibited by the federal or state constitutions or any federal, state or local law."
- No requirements exist in law or regulation regarding special-needs students in online programs; however, each charter is to describe how it intends to educate students with disabilities and students with limited English proficiency.

Other Key Elements of State Policy

- None identified.

2.4.3 Statewide Program

The Idaho Digital Learning Academy (IDLA) was created by legislation in 2002 as a supplemental program serving high school students. Operated by the Idaho Department of Education, IDLA has been funded by an appropriation from the state ($450,000 annually) plus a foundation grant ($1 million). Initially, the grant funding enabled IDLA to offer its courses without charge; beginning in school year 2003–04, IDLA is charging a course fee to the districts whose students register for the courses. This charge has led to a decline in the number of courses offered and registration, and IDLA has fewer than most other statewide programs. Although lacking in formal policies in some areas, IDLA has well-developed processes and practices covering quality assurance and access. Quotes in the table below are taken from the statute creating IDLA.[22]

Idaho Statewide Program Snapshot	
CATEGORY	**COMMENTS**
Operations	
Program type	• Supplemental.
Grade level	• High school.
Types of students	• For fall 2003: 6.8 percent individualized education program (IEP) students, 33.2 percent at-risk (state defines and tracks at-risk students based on qualifiers such as being a parent or previous dropout or based on academic history), 5 percent Hispanic, 2.4 percent Native American, 49 percent female.
Number of registrations and students	• 346 registrations for fall 2003; this number was down from spring 2003 because for the first time tuition was charged; also no AP exam review this year.
Governance	• Housed within Department of Education but operates independently, overseen by a board of directors comprised of members specified in legislation. School district acts as fiscal agent.
Accreditation	• Local districts grant credit. IDLA must be "accredited by the state of Idaho and the northwest accreditation association," according to legislation, even though it does not grant credits.
Funding	
Funding sources	• Primary source: foundation grant of $1 million, also state appropriation of $450,000 for FY 2003 and again for 2004.
Course fees	• $100 per course paid by districts for students who take IDLA classes as a part of their normal school day. Districts may pass the fees on to the parent or student when a student is enrolled more than full-time. • Home-schooled students may enroll in their local school and generate FTE funding for IDLA courses.
Curriculum	
Number of courses	• 57 developed; about 20 were offered in fall 2003. • 100-percent homegrown.

[22] Idaho Statute: Title 33, Education, Chapter 55, Idaho Digital Learning Academy. Retrieved May 4, 2004, from http://www3.state.id.us/idstat/TOC/33055KTOC.html.

Idaho Statewide Program Snapshot (Continued)	
Teachers	
Number of teachers and full-time or part-time	• Policy to have all adjunct as independent contractors. • IDLA has 49 teachers although some are not teaching now.
Quality Assurance	
External evaluation	• Yes.
Students' online readiness requirements	• Students required to take 10-hour online orientation course. • Online site coordinator course offered to help coordinators assist students with online courses.
Accountability for student achievement	• Idaho has end-of-course assessments for several subjects and is developing others. IDLA uses these as the final exam in applicable courses. • Tracking course pass rates and dropout rate at 3 weeks.
Teacher qualifications	• By law, teachers must be "fully certified." "A professional development coordinator who shall be responsible for training faculty in online course design, development and delivery" must be on staff.
	• "Courses shall be taught online by Idaho teachers unless special circumstances determined by the director require a waiver of this requirement."
Teacher evaluation	The IDLA director "shall be responsible for…staff evaluation."
Curriculum	• "Online courses shall reflect state of the art in multimedia-based digital learning. Courses offered shall be of high quality in appearance and presentation, and shall be designed to meet the needs of all students regardless of the student's level of learning." • "Credit earned in courses shall be based on such criteria as mastery of the subject, demonstrated competency, and meeting the standards set for each course, in contrast to credit earned in a traditional classroom based on time spent in the classroom." The legislation tasks the State Board of Education with coming up with policies related to how credit is earned, but these policies have not yet been developed. • "All courses shall meet criteria established by the state of Idaho and the northwest accreditation association as necessary for accreditation of the academy." • The State Board of Education is tasked by law with developing "policies and practices which provide strict application of time limits for completion of courses." The intent is to ensure that online courses are not self-paced and not similar to correspondence courses. The board has not developed these policies, but IDLA has set start and end dates for courses similar to the semester dates for schools across the state.
Other	• The State Board of Education is tasked with developing "policies and practices on accountability, both by the student and the teacher." Policies have not been developed; but in practice, accountability falls back to schools that grant course credit. • "The IDLA director "shall be responsible for…quality assurance."

Idaho Statewide Program Snapshot (Continued)	
Equity and Access	
Online accessibility	• Legislation says IDLA must be available to all students who want to participate, but much of the responsibility for accommodations falls to local schools.
Noncourse services for special-needs students	• In the student registration process, IDLA asks if the student has special needs so teacher knows the situation.

2.4.4 Primary Resources

- Idaho Digital Learning Academy
  www.idla.k12.id.us
- Idaho Digital Learning Academy Legislation
  www3.state.id.us/idstat/TOC/33055KTOC.html
- Idaho Charter School Legislation
  www3.state.id.us/idstat/TOC/33052KTOC.html

2.5 Illinois

2.5.1 Overview

Illinois has a statewide program, the Illinois Virtual High School (IVHS), and virtual programs that run out of local school districts or inter-district agreements. The Illinois State Board of Education (ISBE) established IVHS in 2000, offering students access to state-sanctioned online courses. IVHS predicts 1,000 registrations for its spring 2004 term.

While the eLearning Division of ISBE is charged with overseeing all virtual learning activity in Illinois, it does not track or pursue policy with any virtual school program other than IVHS and The Collaboratory, which focuses on the creation of online curriculum that is intended for use in a setting that blends online and brick-and-mortar instruction. Cyber charter schools have been indirectly prohibited in Illinois because the state law rules out funding for charter schools without physical facilities. Consequently, all virtual schools must run out of local school districts or inter-district agreements. The largest of these programs is the Large Unit District Association (LUDA), which, in partnership with Western Illinois University, offers three online courses that draw approximately 600 to 900 student registrations per semester.

Illinois K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	Yes	• Illinois Virtual High School provides AP exam and review courses, ACT prep courses, and high school level courses. • Approved in 2000, opened in 2001.
Other online programs	Yes	• Online programs at the school district and under local control. Example: LUDA online courses for Grades 9–12.
Information collected about online students	No	• State does not track, but 57 percent of students in statewide program are from low socioeconomic areas.
Legislation specific to online education:	No	• No legislative activity. • The Illinois State Board of Education issues policy only through its involvement with IVHS.
• Quality	No	
• Access	No	
• Equity	No	

2.5.2 State-Level Policy Activity

Illinois State Board of Education (ISBE) maintains a policy of local control for school districts, enabling districts to develop their own policies and regulations. It issues policy only through its involvement with the Illinois Virtual High School. Illinois Virtual High School is budgeted through ISBE, and any changes in the administrative process at ISBE or a change in education agendas by the governor of Illinois would have critical implications.

State Education Agency and Other Statewide Efforts

- The Illinois State Board of Education originally established the Illinois Virtual High School in partnership with several other educational entities in the state. In 2003, it handed over governance of IVHS to the Illinois Mathematics and Science Academy. No state policies have

been drafted by ISBE to regulate local school district and inter-district programs. It will continue to support IVHS through state and federal funding for course development and other initiatives.

Funding

- Overall, funding for public schools is a combination of local property tax and the state Equalization Formula, which is tied to average daily attendance (ADA).
- The state Legislature currently is not significantly involved in setting funding policies. No money is directly appropriated for a virtual school; instead, the State Board of Education allocates money out of its overall educational technology budget.

Curriculum

- No law or regulation. School districts determine compliance to the Illinois Learning Standards.

Teacher Qualifications and Evaluation

- Public school teachers must be certified.
- Determination of teacher qualifications regarding teacher certification and evaluation is made by the local school district.

Accountability for Student Achievement

- State accountability measure is the Illinois Standards Achievement Test. Local school districts are responsible for making sure that students take this assessment.

Other Quality Assurance Issues

- None reported.

Equity and Access

- No policies exist regarding equity and access.

Other Key Elements of State Policy

- Original charter law prohibits cyber charter schools that do not have physical facilities. In order to receive state funds, charter schools are required to adhere to a daily attendance policy: "Days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direction supervision of (i) teachers, or (ii) non-teaching personnel or volunteer personnel." [23]

2.5.3 Statewide Program

The Illinois Virtual High School (IVHS) is a statewide online program offering supplemental online courses to all Illinois public school, private school, and home-schooled students. IVHS is a non-degree, non-credit-granting entity. Public and private high school students register with IVHS through their respective schools. The schools are responsible for determining student eligibility, number and types of courses the students may take, registration to IVHS, payment of student fees to IVHS, and maintenance of a local support team for students. Home-schooled students register directly with IVHS or through the local public school. If a home-schooled student registers directly with IVHS, the student pays IVHS directly and no average daily attendance (ADA)

[23] Section 18-8.05, Illinois School Code (2002). Retrieved May 4, 2004, from http://www.legis.state.il.us/legislation/ilcs/ilcs2.asp?ChapterID=17.

funding is involved. If the home-schooled student registers through the local public school, the school can collect money for the student as a service and receives no ADA. If the home-schooled student is enrolled part-time at the school, the school can get partial ADA—if the student is physically present at the school while taking the online course.

In 2003, the eLearning Division awarded the Illinois Mathematics and Science Academy (IMSA), a founding partner of IVHS, a grant to take over administration of IVHS. The eLearning Division continues to support IVHS through state and federal funding for course development and other initiatives; IVHS is the only online program that the eLearning Division funds. Presently, IBSE and its eLearning Division are focused on getting additional school districts to register students in IVHS courses, an initiative led by the IMSA staff and supported by the 15 regional learning technology centers designed to help districts with their technology plans. In *Digital-Age Learning: State of Illinois Five-Year Technology Plan, 2002–2007*, ISBE included the initiative to expand the Illinois Virtual High School to all grades, K through 12.

Illinois Statewide Program Snapshot

CATEGORY	COMMENTS
Operations	
Program type	• Statewide supplemental program providing AP exam and review courses, ACT test prep, and high school level courses.
Grade level	• High school; plans to develop K–8 curriculum.
Types of students	• Intended to serve gifted and talented students, students pursuing advanced career and technical skills, students with disabilities, at-risk students, limited-English-proficient students, and students who can benefit from high-quality alternative educational environments. • Small number of home-schooled students and private school students—specifics not tracked.
Number of registrations and students	• 749 fall 2003 registrations with 699 students; estimate of 1,000 registrations for spring 2004.
Governance	• Illinois Mathematics and Science Academy, as granted by the Illinois State Board of Education.
Accreditation	• Local schools grant credit. Accreditation is granted through the local public school through which the student registers for the online course(s).
Funding	
Funding sources	• Federal funding supports targeted projects such as AP courses, foreign language courses, as well as preparing to provide professional development courses for teachers and expand course offerings to elementary and middle school students. • State supports general infrastructure, long-term research and development, and instructional costs.
Course fees	• Course fees of $175 per course paid by the school or the student per district-level decision. Scholarships are available to schools in low socio-economic areas. One third of IVHS registration fees are covered by scholarship.

Illinois Statewide Program Snapshot (Continued)	
Course Fees *(continued)*	• Home-schooled students registered directly with IVHS pay course fees. • Districts can claim average daily attendance (ADA) reimbursement for IVHS instruction, provided the district (not the student) pays the tuition or fees and the student takes the course during the regular school day at a preapproved site.
Curriculum	
Number of courses	• 101 courses as of fall 2003. • 39 percent homegrown, 55 percent licensed, 6 percent purchased.
Teachers	
Number of teachers and full-time and part-time	• 60 IVHS part-time teachers.
Quality Assurance	
External evaluation	• Yes.
Students' online readiness requirements	• None.
Accountability for student achievement	• Local school responsibility.
Teacher qualifications	• The equivalent of a bachelor of arts. • Illinois certified (or be part of an IVHS teaching team that has a certified teacher in place). • IVHS specific teacher hiring process.
Teacher evaluation	• No formal measures.
Curriculum	• Local administrators evaluate courses in comparison to local requirements and state standards. • If the IVHS course is a course that is not already offered by the local high school, the local high school must submit the appropriate forms to the North Central Association for accreditation approval.
Other	• Student/faculty/district administration surveys.
Equity and Access	
Online course accessibility	• Local schools are responsible for complying with federal mandates regarding accessibility. • Course content is not reviewed for accessibility compliance by IVHS.
Noncourse services for special-needs students	• None provided by IVHS.

2.5.4 Primary Resources

- Illinois School Code
  www.legis.state.il.us/legislation/ilcs/ilcs2.asp?ChapterID=17
- Illinois State Statues, Article 27A, Charter Schools
  www.legis.state.il.us/legislation/ilcs/ilcs3.asp?ActID=1005&ChapAct=105%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=17&ChapterName=SCHOOLS&ActName=School+Code%2E

- Clark, T., Lewis, E., Oyer, E., Schreiber, J. (2002). *Illinois Virtual High School evaluation, 2001-2002: Final report* [Executive summary]. Retrieved May 4, 2004, from http://www2.imsa.edu/programs/ivhs/pdfs/IVHS_FinalRpt_ExecSum.pdf
- Illinois State Board of Education. (2000). *Motion for Illinois Virtual High School*. Retrieved May 4, 2004, from http://www.ivhs.org/index.learn?action=other#motion
- Illinois Virtual High School. (2004). *Illinois Virtual High School participating schools handbook*. Retrieved May 4, 2004, from http://www2.imsa.edu/programs/ivhs/pdfs/IVHS_Handbook.pdf
- State of Illinois. (2004). *Education plan 2004*. Retrieved May 4, 2004, from http://www.illinois.gov/gov/sos2004educationplan.cfm

2.6 Michigan

2.6.1 Overview

Michigan has a statewide program, the Michigan Virtual High School, funded in 2000 by Michigan legislation (Public Act 230). Other district-level supplementary programs and dual enrollments with postsecondary institutions do exist, but these are limited and the Michigan Department of Education (MDE) does not track this information. Legislation and regulation pertaining to online education have been limited, focusing on credit mandates and the groundwork for creating "virtual districts." MDE has published policies regarding attendance and funding for virtual programs, and it continues to support the initiatives of both Michigan Virtual High School and Michigan Virtual University, a not-for-profit Michigan corporation.

Michigan K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	Yes	• Michigan Virtual High School. Created 2000.
Other online programs	Yes	• Some district-level supplementary programs, dual enrollments through a postsecondary institution, but information not tracked through MDE.
Information collected about online students	No	• Not tracked.
Legislation specific to online education:	Yes	• Creation of MVHS; provision specifying schools grant credit for online learning institutions (Public Act 230, 2000).
• Quality	No	
• Access	No	
• Equity	No	

2.6.2 State-Level Policy Activity

Public Act 230, passed in 2000, established Michigan Virtual High School (MVHS) and required schools to grant credit for courses taken from online learning institutions. A 2001 task force for the Michigan State Board of Education (MSBE) produced a report making four key recommendations for policy to the MSBE, including the adoption of the Educational Alternatives Pupil Accounting Rules as policy, which MSBE acted on. The task force also recommended the creation of "virtual districts" through "collaborative partnerships" between "chronically underperforming schools and districts."[24] Though this recommendation too was adopted as policy by MDE, the program is not being pursued due to negative feedback on taking district students and putting them into programs in other public school districts. For this reason, MVHS, as a statewide supplemental program, has become the focus of MDE.

Unless otherwise indicated, quotes from the following section are taken from *Guidance on Virtual Learning*.[25]

State Education Agency and Other Statewide Efforts

- MDE supports MVHS, but governance of MVHS is through the Michigan Virtual University.
- Public Act 230 (2000) created MVHS and required schools to grant credit for courses taken from online learning institutions.

[24] From Michigan State Board of Education Task Force. (2001). *Embracing the information age.* Retrieved May 4, 2004, from http://www.mi.gov/documents/taskforcereport_15214_7.pdf.

[25] Michigan Department of Education. (2001). *Guidance on virtual learning.* Retrieved May 4, 2004, from http://www.michigan.gov/documents/virtual02_2002_18549_7.pdf

- The *Guidance on Virtual Learning* (2001) states that a "majority of the decision-making…will be the responsibility of the local district."
- Major recommendations from *Embracing the Information Age*, the report written by the Michigan State Board of Education Task Force, have been made into policy, including adoption of the *Guidance on Virtual Learning*.

Funding

- Michigan funding model is based on seat time and average daily attendance (ADA).
- The following online-specific funding policies are from MDE's *Guidance on Virtual Learning* (2001), which represent the "minimum guidelines for generating state aid" for courses that do "not require regularly scheduled 'seat time' in the school building."
  - Students are limited to two courses per semester and must be enrolled in at least one course offered by the district in which credit is earned, and regular attendance is required.
  - A teacher of record must be identified and an "on-site mentor must be assigned to the pupil."
  - "Each course will count as one class…and will generate that portion of an FTE membership that a comparable course offered by the high school would generate." The same is true for dual-enrollment classes.
  - The district is required to pay "associated tuition charges for the course."
  - "The pupil must enroll by and be in attendance on the appropriate count day (September or February) or during the 10-day/30-day period during the class time designated for the course on the pupil's schedule. As with any pupil, actual attendance in at least one course during the school day is necessary to count toward the district or building's 75 percent attendance requirement."
- The following additions are from the Michigan Department of Education *Pupil Accounting Manual* (2002).[26]
  - Virtual learning courses do not generate any additional pupil membership count for homebound or hospitalized pupils who are already receiving minimum amounts of instruction that would already generate full FTE membership count.
  - "The mandatory expulsion pupils who have been required by state law to be expelled from public school may also receive instruction through a home-based program, but would not generate any additional pupil membership count for virtual program courses."

Curriculum

- No requirements exist in regulation or law regarding online curriculum. Content standards prescribed in the Michigan Curriculum Framework are presented as models for the development of local district curriculum. MVHS abides by those standards.

Teacher Qualifications and Evaluation

- According to the *Guidance on Virtual Learning*, "The teacher of record may be the instructor associated with the virtual course and, therefore, may not necessarily hold a Michigan teacher certification." However, an on-site mentor must be assigned to the pupil and to the virtual course and this mentor must be a certified teacher employed by the school district.

Accountability for Student Achievement

- General policy that all students must participate in the Michigan Educational Assessment System. *Guidance on Virtual Learning* suggests local district compliance.

[26] Michigan Department of Education. (2002). Michigan Virtual High School and distance learning. In *Pupil accounting manual* (Section 5O). Retrieved May 4, 2004, from http://www.michigan.gov/documents/5O-VirtualHS-DistLearning_41466_7.pdf

Other Quality Assurance Issues

- None reported.

Equity and Access

- Nonpublic and home-schooled students may participate in MVHS online services and course offerings to the same extent that they are allowed to participate in public school district course offerings as provided for under Michigan law.

Other Key Elements of State Policy

- None reported.

2.6.3 Statewide Program

The Michigan Virtual High School (MVHS) is a statewide supplemental program operated by the Michigan Virtual University, a private, not-for-profit Michigan corporation. Besides traditional courses, MVHS offers prep courses for ACT, SAT, PSAT, and the Michigan Educational Assessment Program (MEAP) as well as AP exam review courses. Courses are developed by Michigan teachers, or licensed through third-party vendors such as Class.com, Aventa Learning, and Apex Learning. Funded by the Michigan Legislature in July 2000 for a three-year period, MVHS has been working to become independently funded through its products and services and through other funding models, such as a cost-sharing model in which schools pay certain portions of cost fees and the cost of program delivery through their subscription fees. While MVHS does not yet officially track its student demographics, because of the cost-sharing model it implemented, MVHS anecdotally believes it now registers more public school students than home-schooled students. In addition, schools with 1,000 students or more are now using MVHS as an alternative education program. In 2003, MVHS launched a pilot program designed to explore issues of accessibility and curriculum needs with Detroit Public Schools, which has resulted in an increased registration of high-needs students—both at-risk and advanced.

Michigan Statewide Program Snapshot

CATEGORY	COMMENTS
Operations	
Program type	• Supplemental program offering AP courses; high school curriculum courses; MEAP exam prep courses; ACT, SAT, PSAT test prep individual study tool courses; and Flex 90 courses, offering flexible start times.
Grade level	• High school.
Types of students	• No official tracking; however, anecdotally, recent pilot program and a new cost-sharing model have resulted in more public school than home-schooled student registrations.
Number of registrations and students	• Approximately 7,000 students register throughout the school year. • Approximately 3,000 students register in summer. • According to MVHS, approximately 200,000 students a year access online courses, test preps, or online resources available at MVHS.
Governance	• Michigan Virtual University, a private not-for-profit corporation governed by a board of directors made up of representatives of the Michigan employer and educator community and state government.
Accreditation	• Through local and intermediate school districts. Accreditation based on MEAP student performance. • In process of accreditation with the North Central Association.

Michigan Statewide Program Snapshot (continued)	
Funding	
Funding sources	• Seed capital from original $17 million legislative appropriation. • Fees from participating schools, normally through two-year school district subscriptions, which includes a cost-sharing model in which schools pay certain portions of cost fees and the cost of program delivery. • Courses are offered as singletons, or as part of a subscription package. Packages vary in pricing, and offer various degrees of access to course offerings and specific numbers of seat. For instance, Flex 90 courses are offered at $295 individually, or at $2,500 for 10. • $750,000 ongoing appropriation from the state.
Course fees	• Course packages for school subscriptions and single-course prices: for example, $2,500 for a 10-pack of Flex 90 courses versus $275 for a single Flex 90 course.
Curriculum	
Number of courses	• 100 courses, approximately 66 percent licensed and 33 percent homegrown.
Teachers	
Number of teachers and full-time and part-time	• 100 percent part-time teachers; number varies with need.
Quality Assurance	
External evaluation	• No.
Students' online readiness requirements	• By MDE policy, school provides on-site mentor and designated technical support person. • No other formal policies
Accountability for student achievement	• Pass rate and completion: rates over 80-percent pass rates for advanced placement; approximately 70 percent to 75 percent for Flex 90 courses with rates continuing to improve. • Michigan Educational Assessment Program: local schools responsible.
Teacher qualifications	• Licensed teachers certified in the course's content area. • Mandatory online training (graduate credits and CEUs) includes one-day on-site training and six weeks online.
Teacher evaluation	• No formal policy but process: anecdotal, course checks.
Curriculum	• Must meet national content standards and Michigan Curriculum Framework. • Courses developed in partnership with Michigan-licensed teachers or licensed from third-party vendors such as Class.com, Aventa Learning, and Apex Learning.
Equity and Access	
Online course accessibility	• MVHS courses put through an Americans with Disabilities Act process, though formal processes and follow-through have not yet been addressed. • Detroit pilot program on accessibility: Helping with underserved kids is MVHS spot; pilot program in works with flex courses and middle school. Piloting gifted and talented program and credit recovery program.

Michigan Statewide Program Snapshot (continued)	
Online course accessibility *(continued)*	• Note: the pilot program suggests that access is not the issue: 76 percent even in most impoverished district have access. MVHS is realizing that there is a need to look at curriculum for those students performing way below grade level and find course opportunities to help them succeed.
Noncourse services for special-needs students	• Project with Michigan Family Independence Agency to offer package of support, including noncourse services. NovaNET is involved and bundling flex courses.

2.6.4 Primary Resources

- Central Michigan University – Charter Schools Office www.cmucso.org
- Michigan Public Act 230 (Section 380.1481 of the Revised School Code, Act 451) www.michiganlegislature.org/printdocument.asp?objName=mcl-Act-451-of-1976&version=txt
- Michigan Department of Education. (2001). *Guidance on virtual learning*. Retrieved May 4, 2004, from http://www.michigan.gov/documents/virtual02_2002_18549_7.pdf
- Michigan Department of Education. (2002). Michigan Virtual High School and distance learning. In *Pupil accounting manual* (Section 5O). Retrieved May 4, 2004, from http://www.michigan.gov/documents/5O-VirtualHS-DistLearning_41466_7.pdf
- Michigan Department of Education. (2003). *Information on nonpublic and home schools.* Retrieved May 4, 2004, from http://www.michigan.gov/documents/MDE-P2_info2001_13520_7.pdf
- Michigan Information and Research Service. (2002). *Cyber'schools—Only a matter of time?* [Press release]. Retrieved May 4, 2004, from http://www.bridges4kids.org/articles/8-02/MIRS7-31-02.html
- Michigan State Board of Education Task Force. (2001). *Embracing the information age*. Retrieved May 4, 2004, from http://www.mi.gov/documents/taskforcereport_15214_7.pdf

2.7 Minnesota

2.7.1 Overview

Minnesota does not have a statewide virtual school program, but it does have cyber charter schools and online education programs within districts. According to the Minnesota Department of Education (MDE), "Currently, more than a dozen school districts in Minnesota offer substantial online learning programs and more than 30 percent of schools offer at least some courses online. In addition, numerous virtual schools and commercial vendors throughout the country offer online courses."[27] The Omnibus K–12 Education Act of 2003 sets forth a number of policies directly affecting online education and directs MDE to "develop, publish, and maintain a list of approved on-line learning providers and on-line learning courses and programs that it has reviewed and certified."[28] This certification effort by MDE is the overarching state-level policy activity, covering most online learning programs, with the exception of district-level programs that offer online courses only to students who reside within the districts' boundaries. The certification includes elements of quality assurance, access, and equity, although the certification generally requires only that the online programs have policies on these issues. In 2004, there are 15 online programs; in 2003, about 500 students were taking courses from MDE-certified providers. (Refer to Appendix E for the online learning legislation that is part of the Omnibus K–12 Education Act of 2003.)

Minnesota K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	No	
Other online programs	Yes	• The Minnesota Department of Education lists 15 "certified" online programs, some charter schools and some single-district programs.[29] Programs cover all K–12 grade levels.
Information collected about online students	Yes	• State is tracking numbers of online students, age of students, ethnicity, completed credits, and participation in free and reduced-price lunch programs as part of the online provider certification program.
Legislation specific to online education:	Yes	• Omnibus K–12 Education Act of 2003 has a section specific to online learning.
• Quality	Yes	• Curriculum alignment to state standards, teacher certification, and other elements in legislation.
• Access	Yes	• Programs are required to explain how they will provide access to students with disabilities as part of the certification process.
• Equity	Yes	• "An on-line learning provider must assist an on-line learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for on-line learning purposes."[30]

27 MDE's *Online Learning* Web page. Retrieved May 4, 2004, from http://education.state.mn.us/html/intro_online_learning.htm.

28 Minnesota 2003 Statutes – Chapter 124D Education Programs, 124D.095 On-line Learning Option. Retrieved May 4, 2004, from http://www.revisor.leg.state.mn.us/stats/124D/095.html.

29 Minnesota Department of Education. (2003). List of approved online learning providers. Retrieved May 4, 2004, from http://www.education.state.mn.us/content/056265.doc.

30 Minnesota 2003 Statutes – Chapter 124D Education Programs, 124D.095 On-line Learning Option. Retrieved May 4, 2004, from http://www.revisor.leg.state.mn.us/stats/124D/095.html.

2.7.2 State-Level Policy Activity

State-level policy flows from the Omnibus K–12 Education Act of 2003, which directs MDE to "certify" online learning providers. Online learning programs must be certified by the MDE in most cases; the main exception is online programs of a single district, using state-licensed teachers to serve students who are enrolled in the district and who access courses from the school. Unless otherwise noted, quotes below are taken from the Summary of the Omnibus K–12 Education Act put together by MDE.[31]

State Education Agency and Other Statewide Efforts

- The MDE "must develop, publish, and maintain a list of approved on-line learning providers and on-line learning courses and programs that it has reviewed and certified."[32] Criteria for approval are developed by the MDE based on the legislation; specific elements are included in the categories below.

Funding

- Minnesota provides two primary funding sources for online students: general education revenue and a special appropriation of $1 million (rising to $1.25 million next year) for online learning students. The former is primarily for students who were Minnesota public school students the year before first enrolling in an online program; the latter is for students who were not Minnesota public school students the year before first enrolling in an online program and for nonpublic school participants. Funding for online students out of the $1 million appropriation is based on the following priorities:
  - First priority: for students enrolled in the online program the year before.
  - Second priority: to bring number of students in existing programs to the same level the program was the year before.
  - Third priority: for growth of new or existing programs through additional public or non-public students.
- For students eligible for funding out of the $1 million appropriation, online programs receive 88 percent of 1/12 of an average daily membership (ADM) per completed semester course. The revenue equals ADM, weighted based on grade level, multiplied by $4,601, and comes out of the appropriation. The enrolling district (which can be the online program, but is often the student's district of residence[33]) receives 12 percent of 1/12 of an ADM toward general education revenue. Nonpublic school students do not generate the 12 percent of general education revenue.
- For public school students funded through general education revenue:
  - For students taking courses from the district in which they are enrolled, funding is the same as if the students were taking all their courses in physical classrooms.
  - For students taking courses from outside their enrolling district, the online learning program receives 88 percent of 1/12 of an ADM per completed semester course times $4,601, weighted based on grade level. The other 12 percent goes to the student's enrolling district and generates general education revenue. The enrolling district's funding will be reduced if the student's ADM exceeds 1.0.
- In all cases above, total ADM for a pupil must not exceed 1.0 FTE.

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31 Minnesota Department of Education. (2003). *Summary of the Omnibus K–12 Education Act of 2003.* Retrieved May 4, 2004, from http://www.education.state.mn.us/content/007885.pdf.

32 Minnesota 2003 Statutes – Chapter 124D Education Programs, 124D.095 On-line Learning Option. Retrieved May 4, 2004, from http://www.revisor.leg.state.mn.us/stats/124D/095.html.

33 This arrangement is common because it facilitates the mandatory testing and any individualized education program (IEP) requirements, with the resident district providing these. Programs find it difficult to provide the testing and/or special-education services when the district of residence and online provider are not in close proximity.

- Funding is generated only for students who complete the online course.
- Funding is tied to the program meeting all requirements of the law. Programs must sign a "Statement of Assurance" as part of the online provider application that affirms that the provider is meeting all requirements and has required policies in place.
- Students are allowed to enroll in a maximum of 12 semester-long courses or their equivalent during a single school year, and to "enroll in additional courses under a separate agreement that includes terms for paying tuition or course fees."

Curriculum

- "Courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progressions in a single subject."
- The MDE certification process requires that providers list courses and their alignment with Minnesota state standards.[34]
- Online courses must have "standards of instruction, curriculum, and assessment requirements equivalent to other [non-online] courses."[35]

Teacher Qualifications and Evaluation

- The legislation "requires that a teacher with a Minnesota license be the person that assembles and delivers instruction."
- The legislation "limits the teacher-to-student ratio for an on-line course or program to 1 to 40, unless the Commissioner grants a waiver."
- "Actual teacher contact time or other similar communication is an expected on-line learning component,"[36] and the on-line learning provider must "demonstrate expectations for actual teacher contact time or other student-to-teacher communication." [37] The MDE requires that programs "describe what methods will be used for interactivity and assessment between students and teachers to comply with" the law.[38]

Accountability for Student Achievement

- For the Minnesota Comprehensive Assessments, the student's enrolling district is responsible for making sure students take these assessments.

Other Quality Assurance Issues

- Districts must accept credit for courses from providers certified by the MDE. The law "allows an enrolling district to challenge the validity of a course offered by an on-line learning provider. The department must review such challenges."

Equity and Access

- The legislation "allows an on-line learning student to have the same access to computer hardware and education software available in a school as all other students enrolled in the district" and "allows an on-line learning student to participate in the extracurricular activities of the enrolling district on the same basis as other enrolled students."
- The legislation "directs the on-line learning provider to assist students whose family qualifies for the education tax credit to acquire computer hardware and educational software for

[34] Minnesota Department of Education. (2003). *Online Learning Option Act provider application*. Retrieved May 4, 2004, from http://www.education.state.mn.us/content/026558.pdf.

[35] Minnesota House of Representatives. (2003). *2003 On-line Learning Option Act* [Legislative summary]. Retrieved May 4, 2004, from http://www.house.leg.state.mn.us/hrd/issinfo/ssoloa.htm.

[36] Minnesota House of Representatives. (2003). 2003 *On-line Learning Option Act* [Legislative summary]. Retrieved May 4, 2004, from http://www.house.leg.state.mn.us/hrd/issinfo/ssoloa.htm.

[37] Minnesota 2003 Statutes – Chapter 124D Education Programs, 124D.095 On-line Learning Option. Retrieved May 4, 2004, from http://www.revisor.leg.state.mn.us/stats/124D/095.html.

[38] Minnesota Department of Education. (2003). *Online Learning Option Act provider application*. Retrieved May 4, 2004, from http://www.education.state.mn.us/content/026558.pdf.

online learning purposes."
- Schools must have a policy "approved by its school board or board of directors for accepting and rejecting students' applications to its program."[39]
- The legislation "allows a student with a disability to enroll in an on-line learning course if the student's individualized education plan team determines that on-line learning is appropriate education for the student."
- According to the MDE application form for providers: "Special education students must have equal access to on-line learning. Describe how the [online learning] provider will ensure that a student with a disability has equal access, assuming the student's Individualized Education Program (IEP) team determines that on-line learning is appropriate education for the student, and how the needs of special education students will be met through the proposed on-line learning program."[40]

Other Key Elements of State Policy

- *Online learning* is defined as "an interactive course or program that delivers instruction to a student by computer; is combined with traditional delivery methods that include frequent student assessment and may include actual teacher contact time; and meets or exceeds state academic standards."
- An *online learning provider* is defined as "a school district, a charter school, or two or more school districts organized under a joint powers agreement, located in Minnesota, that provides learning to students."
- "Students under the age of 17 must have a parent's written consent" to take an online course.
- Online learning providers are allowed to "limit enrollment if the provider's school board or board of directors adopts a resolution of the specific standards for accepting and rejecting student applications."

2.7.3 Statewide Program

Minnesota does not have a statewide online education program.

2.7.4 Primary Resources

- Minnesota Department of Education – Online Learning
  www.education.state.mn.us/html/intro_online_learning.htm
- Minnesota 2003 Statutes – Chapter 124D Education Programs, 124D.095 On-line Learning Option (section of the Omnibus K–12 Education Act of 2003)
  www.revisor.leg.state.mn.us/stats/124D/095.html
- Minnesota Department of Education. (2003). Explanation of the *Online Learning Option Act to superintendents* [Memo]. Retrieved May 4, 2004, from http://www.education.state.mn.us/content/029099.pdf
- Minnesota Department of Education. (2003). *List of approved online learning providers.* Retrieved May 4, 2004, from http://www.education.state.mn.us/content/056265.doc
- Minnesota Department of Education. (2003). *Online Learning Option Act provider application.* Retrieved May 4, 2004, from http://www.education.state.mn.us/content/026558.pdf
- Minnesota Department of Education. (2003). *Summary of the Omnibus K–12 Education Act of 2003.* Retrieved May 4, 2004, from http://www.education.state.mn.us/content/007885.pdf
- Minnesota House of Representatives. (2003). *2003 On-line Learning Option Act* [Legislative summary]. Retrieved May 4, 2004, from http://www.house.leg.state.mn.us/hrd/issinfo/ssoloa.htm

[39] Minnesota Department of Education. (2003). *Online Learning Option Act provider application.* Retrieved May 4, 2004, from http://www.education.state.mn.us/content/026558.pdf.

[40] Minnesota Department of Education. (2003). *Online Learning Option Act provider application.* Retrieved May 4, 2004, from http://www.education.state.mn.us/content/026558.pdf.

2.8 Ohio

2.8.1 Overview

Ohio has no statewide online program; but, as of February 2004, it has 39 eCommunity schools, which are state-funded online programs. An eCommunity school, which is a community school (charter) online, is a public school that operates independently of any school district but is under a contract with a sponsoring entity authorized by the Ohio State Board of Education (OSBE). The 39 eCommunity schools are sponsored by large school districts, the Ohio Council of Community schools, or the Lucas County Educational Service Center. Because eCommunity schools are relatively new—the first opened its doors for the 2000–01 school year—legislation mandating policy and research initiatives only recently has been forthcoming. Legislation adopted in April 2003 provided additional guidance for the operation of eCommunity schools. New legislation may be enacted in 2004 to implement the policy recommendations submitted by the Ohio State Board to the General Assembly.

Ohio K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	No	
Other online programs	Yes	• 39 state and local eCommunity Schools as of February 2004, including TRECA, Ohio Virtual Academy (K12 Inc.), and Electronic Classroom of Tomorrow.
Information collected about online students	Yes	• Not tracked until two years after the school has opened, and then the local report card records demographic information.
Legislation specific to online education:	Yes	• Role of state department of education: House Bill 364 (2003). • Cost study of eCommunity Schools: HB 364 (2003). • Attendance provision: HB (2003). • eCommunity School and eCourse legislative recommendations: HB 3 (2003). • All schools must provide students taking Internet courses with computers if students cannot provide: HB 364 (2003). • Requirement of equipment for enrollment status in eCommunity School: HB 95 (2003).
• Quality	Yes	
• Access	Yes	
• Equity	No	

2.8.2 State-Level Policy Activity

Since 2003, state-level policy has been driven by legislation directed toward eCommunity schools. House Bill (HB) 364, passed in January 2003, transformed the role of the Ohio Department of Education (ODE) and its Office of Community Schools from sponsoring new start-up community schools and eCommunity schools to authorizing other sponsors. (Local school districts may sponsor "conversion" eCommunity schools without obtaining authorization from ODE.[41]) The eCommunity legislation set definitions for Internet schools, required schools to make

[41] Conversion community schools were originally traditional public schools that converted either part or wholly into a community school.

hardware and software provisions to students taking Internet courses, and required the Legislative Office of Education Oversight to conduct a study of the costs involved in starting up an eCommunity School. HB 95 (June 2003) requires that students possess all necessary hardware and software for Internet courses before they may be counted in eCommunity school enrollment. HB 3 (August 2003) directs eCommunity schools to expel any student with unexcused absences that total 105 or more cumulative hours of instruction. It also requires the State Board of Education to recommend guidelines regarding the governance of eCommunity schools and eCourses.

In September 2003, ODE submitted a report titled *The Legislative Recommendations for the Operation of eCommunity Schools and eCourses Offered by Schools* to the Legislature. The report, which has not yet been acted upon by the Legislature, contains significant policy recommendations on FTE definition, enrollment and attendance tracking, definition of offline learning opportunities, and funding policies. (Excerpts of this report appear in Appendix F.)

State Education Agency and Other Statewide Efforts

- The role of the State Board of Education (OSBE) is to authorize sponsors of start-up eCommunity and community schools. Eligible sponsors are defined as public school districts, educational service centers, 13 state universities offering four-year programs, and qualified tax-exempt entities.[42]
- The Legislative Office Education Oversight is required to conduct a study of the costs involved in starting up an eCommunity school.
- The Ohio State Board of Education is required to recommend guidelines regarding the governance of eCommunity schools and eCourses.
- Schools that offer Internet courses, including eCommunity schools, are required to provide computers to students who are taking Internet courses. No student is considered enrolled in an Internet course unless he or she has software, hardware, and connectivity.
- Discrimination against any type of student by the eCommunity or community school is forbidden.
- "An eCommunity school must automatically withdraw a student who has unexcused absences that total 105 or more cumulative hours of instruction."[43]

Funding

- The state public education funding is based on FTE funding, which includes a "base cost amount" for all students with additional funding provided for higher-cost students (e.g., those in special or vocational education).[44]
- Community schools, including eCommunity schools, receive state funds directly from the state; these funds have been transferred from school district allocations.
- FTE eligibility requires 920 documented hours of educational instruction.

Curriculum

- All schools are held responsible for student performance on statewide tests that are aligned to Ohio statewide content standards.

Teacher Qualifications and Evaluation

- There is no state regulation or law on online teacher requirements beyond general policy that all teachers must hold a valid Ohio certification/license.

[42] Ohio Substitute House Bill 364 (2003). Retrieved May 4, 2004, from http://www.legislature.state.oh.us/bills.cfm?ID=125_HB_364.

[43] Ohio Substitute House Bill 3, Section 3314.03 (A)(6)(b). (2003). Retrieved May 4, 2004, from http://www.legislature.state.oh.us/bills.cfm?ID=125_HB_3.

[44] Ohio Legislative Office of Education Oversight. (2004). *Funding for charter schools.* Retrieved May 4, 2004, from http://www.loeo.state.oh.us/reports/PreEleSecPDF/FundingforCharterSchools_web.pdf.

- Any teacher who evaluates student performance, provides instruction, and recommends that a student receive course credit shall hold an appropriate credential.
- There is no state regulation or law on teacher evaluation. Governing authority of school determines evaluation policies and process.

Accountability for Student Achievement

- The eCommunity schools are responsible for providing the Ohio Proficiency Test to enrolled students at a suitable location. However, according to the Office of Community Schools, the Ohio Proficiency Test is being phased out; the Ohio Diagnostic Test, Ohio Achievement Tests, and Ohio Graduation Tests are being implemented. The eCommunity schools will be responsible for providing these tests to its students.
- The eCommunity schools are assessed through an annual report to their sponsors and to parents at all schools, and a Local Report Card. The Office of Community Schools is required to report all key data on school performance, including eCommunity school data, to the governor of Ohio and appropriate Legislature committees.

Other Quality Assurance Issues

- None reported.

Equity and Access

- Each child enrolled in an Internet- or computer-based community school is entitled to a computer supplied by the school. If there is more than one child per household, the parent can request fewer computers than children enrolled in the school.

Other Key Elements of State Policy

- Schools must provide a filtering device within any computer given to students at no cost to the student.
- Teachers employed by Internet or computer-based schools must conduct in-person visits with students throughout the year.

2.8.3 Statewide Program

Ohio does not have a statewide online education program.

2.8.4 Primary Resources

- Ohio Department of Education – Office of Community Schools
  www.ode.state.oh.us/community_schools/
- Ohio Revised Code (2004), Title XXXIII, Education - Libraries
  onlinedocs.andersonpublishing.com/oh/lpExt.dll/PORC/269d5?f=templates&fn=document-frame.htm&2.0
- Ohio Substitute House Bill 3 (2003)
  www.legislature.state.oh.us/bills.cfm?ID=125_HB_3
- Ohio Substitute House Bill 95 (2003)
  www.legislature.state.oh.us/BillText125/125_HB_95_EN_N.html
- Ohio Substitute House Bill 364 (2003)
  www.legislature.state.oh.us/bills.cfm?ID=125_HB_364
- Ohio Legislative Office of Education Oversight. (2004). *The start-up costs of Ohio's eCommunity schools.* Retrieved May 4, 2004, from http://www.loeo.state.oh.us/reports/PreEleSecPDF/eCommunitySchoolsWeb.pdf
- Ohio Legislative Office of Education Oversight. (2004). *Funding for charter schools.* Retrieved May 4, 2004, from http://www.loeo.state.oh.us/reports/PreEleSecPDF/FundingforCharterSchools_web.pdf

2.9 Pennsylvania

2.9.1 Overview

Pennsylvania has several cyber charter schools as well as school-district-operated online programs, but it does not have a statewide online program. The Pennsylvania Department of Education (PDE) does not track online programs, leaving those programs under the decision-making authority of the local school district. Pennsylvania law had required that the home district of a student forward per-pupil funding allotments to the student's school of choice. In 2001, facing financial drain from cyber charter schools, school districts refused to pay student funds to the cyber charter schools and joined the Pennsylvania School Board Association in filing a lawsuit that challenged the legitimacy of the cyber charter schools. The school districts lost in court; but, in response to their concerns, Act 88 (2002) was passed. The new law gave cyber charter schools legitimate standing. It designated the PDE as the authorizer of any new cyber charter school and any renewing charter of an existing cyberschool. School districts were also given the right to question bills they receive for cyber charter school tuition.

As of March 2004, cyber charter schools follow the same policies and mandates set for the brick-and-mortar charter schools, in terms of accreditation, quality assurance, funding, and accountability for student achievement. As of February 2004, the PDE has approved or renewed the charters of three of nine cyber charter schools, which enroll approximately 6,000 students.

Pennsylvania K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	No	
Other online programs	Yes	• Cyber charter schools and district-level online programs, including Pennsylvania Virtual Charter School, a K12 Inc. academy. The state does not track online activity beyond cyber charter schools.
Information collected about online students	No	• Not tracked.
Legislation specific to online learning:	Yes	• HB 4, Act 88 (2002) defines cyber charter schools, legitimizes cyber charter schools, and makes PDE responsible for establishing, assessing, and monitoring cyber charter schools.
• Quality	No	
• Access	No	
• Equity	No	

2.9.2 State-Level Policy Activity

Controversies in 2001–03 pushed cyber charter schools into the forefront of legislative policy regarding online programs in Pennsylvania. For this reason, the profile of state-level policy activity focuses on cyber charter schools. The provisions described for Act 88 are only now being implemented.

Act 88 was passed in June 2002. It amends the state's charter school law, defining a cyber charter school as an "independent public school established and operated under a charter from the

Department of Education and which uses technology to provide students with significant proportions of instruction through the Internet." The law gives the PDE authority over cyber charter schools and outlines a number of policies, including authority to grant or deny all new charter renewal applications, and authorization to withhold state funds from districts refusing to pay cyberschool invoices.

State Education Agency and Other Statewide Efforts

- PDE has authority over cyber charter schools, allowing it to grant or deny all new charter or renewal applications. It also is responsible for establishing, assessing, and monitoring cyber charter schools.
- In 2001, PDE commissioned a study on Pennsylvania cyber charter schools to determine their quality, accountability, governance, funding structure, and cost effectiveness. The study found that cyber charter schools offered many benefits to parents and students.[45]
- While the general policy for online programs is one of local school control, cyber charter schools may be granted charters only by PDE.
- Local school districts have oversight of cyber charter schools to which they send their per-pupil funding allotments for their district students who attend. The cyber charter schools are required to provide (on request from local school districts) a copy of its charter and application, all mandatory annual reports filed to PDE, and a list of all students enrolled from that school district.

Funding

- The largest subsidy by the state for public school funding is through the Basic Education Fund (BEF), a per-pupil funding model that calculates average daily membership (ADM) as well as other data.
- Local school districts of residence for students enrolled with public cyber charter schools provide funding for those students based on a per-pupil cost determined by PDE.
- A cyber charter school must "satisfy requirements for compulsory attendance," but it is up to the cyber charter school to provide "a description of how the cyber charter school will define and monitor a student's school day, including the delineation of online and offline time."[46]
- Act 22 (1997) prohibits the use of public funds for home schooling. Home-schooled students must register with the cyber charter schools to be funded. When a student enrolls in a cyber charter school, that student agrees to use the curriculum provided by the charter school. In addition, the student is required to participate in the Pennsylvania System of School Assessment and must maintain attendance with the charter school.

Curriculum

- PDE requires all curricula used by school districts and public charter schools to be approved in accord with Chapter 4 of the School Code. This approval includes alignment with all approved academic standards approved by the State Board of Education. School districts and charter schools may select the curricular materials and programs that will be utilized at the local level. Cyber charter schools must determine compliance with state curriculum standards.

45 KPMG Consulting. (2001). *Cyber charter schools review.* Retrieved May 4, 2004, from http://www.pde.state.pa.us/charter_schools/cwp/view.asp?a=3&Q=75169.

46 Pennsylvania Act 88 (House Bill 4) (2002). Retrieved May 4, 2004, from http://www2.legis.state.pa.us/WU01/LI/BI/BT/2001/0/HB0004P4196.pdf.

Teacher Qualifications and Evaluation

- All charter schools, including cyber charter schools are required to have 75 percent of staff meet state certification standards. There are no special provisions for online teachers.
- All charter school staff members are required to have a child abuse and criminal history check before employment.
- A supervisor holding a Principal Certificate or Letter of Eligibility with the Department of Education must do teacher evaluations. There are no special provisions for online teachers.

Accountability for Student Achievement

- Cyber charter school students are required to take the Pennsylvania System of School Assessment.

Other Quality Assurance Issues

- There is an annual review of cyber charter schools by PDE and a comprehensive review prior to granting a five-year renewal of the charter.

Equity and Access

- Cyber charter schools must supply students with equipment—including computer, computer monitor, and printer—and provide or reimburse for all technology and services necessary for online delivery of curriculum.

Other Key Elements of State Policy

- None reported.

2.9.3 Statewide Program

Pennsylvania does not have a statewide online education program.

2.9.4 Primary Resources

- Pennsylvania Act 22 (Senate Bill 123) (1997) www.pde.state.pa.us/charter_schools/cwp/view.asp?a=146&Q=47379
- Pennsylvania Act 88 (House Bill 4) (2002) www2.legis.state.pa.us/WU01/LI/BI/BT/2001/0/HB0004P4196.pdf
- Pennsylvania Code. Title 22, Education www.pacode.com/secure/data/022/022toc.html
- Huerta, L, Gonzalez, M.-F. (2004). *Cyber and home school charter schools: How states are defining new forms of public schooling.* Retrieved May 4, 2004, from http://www.asu.edu/educ/epsl/EPRU/articles/EPRU-0401-49-OWI.htm
- KPMG Consulting. (2001). *Cyber charter schools review.* Retrieved May 4, 2004, from http://www.pde.state.pa.us/charter_schools/cwp/view.asp?a=3&Q=75169
- Pennsylvania Department of Education. (2004) *Charter schools: Applying.* Retrieved May 4, 2004, from http://www.pde.state.pa.us/charter_schools/cwp/view.asp?a=147&Q=60553&charter_schoolsNav=|567|&charter_schoolsNav=|
- Pennsylvania Department of Education. (1999). *Certification for charter school professional staff.* Retrieved May 4, 2004, from http://www.pde.state.pa.us/charter_schools/cwp/view.asp?a=146&Q=54806&charter_schoolsNav=|568|

2.10 Texas

2.10.1 Overview

Texas has no statewide online program; it authorizes all public schools to offer online courses to their students, primarily as state-funded supplemental programs, as long as normal attendance accounting requirements are met. The University of Texas and Texas Tech University also offer degree-granting online high school programs.

Texas currently is designing a statewide pilot program to implement new legislation, Senate Bill (SB) 1108 (enacted in 2003). The goal of the Electronic Course Pilot (eCP) is to gather data to develop and support recommendations that enable quality online learning and appropriate state funding for these courses. This pilot continues the exploration of online learning begun by earlier legislation, SB 975 (2001), which led to a two-year pilot (2001–03), called the Virtual Schools Pilot (VSP). VSP, managed by the Texas Education Agency (TEA—the state's department of education), examined state policies, requirements, and restrictions that impact districts and charter schools offering electronic courses. A parallel program, the Investigating Quality of Online Courses (IQ) Pilot, was implemented to establish and pilot quality guidelines for online courses. A TEA report on both pilot programs was submitted to the Legislature in December 2002 and served as a catalyst for the funding of the Electronic Course Pilot in SB 1108 to continue the exploration of online learning. Several bills have been introduced to allow virtual charter schools (notably K12 Inc.) to operate in Texas; but these bills have been defeated, most recently in the 2003 legislative session.

Texas K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	No	
Other online programs	Yes	• Supplemental programs such as the Texas Virtual School Pilot (VSP), the IQ Pilot, district-level or multi-district programs, and Texas Education Center programs. • University high school supplementary and degree-granting programs. According to TEA, cyberschools may exist through Texas universities, but these schools are funded by tuition only and not tracked by TEA.
Information collected about online students	Yes	• Specific online student information not available. • The state does not track activity beyond what is tracked through its Public Education Information Management System (PEIM) data system for all schools: student demographic and academic performance, personnel, financial, and organizational information. Though categories for online courses exist, according to TEA, many schools are still unaware of these categories and do not report data.
Legislation specific to online education:	Yes	
• Quality	Yes	• Call for study SB 975 (2001), VSP, and IQ Pilot. • New (2003) SB 1108 Electronic Course Pilot
• Access	Yes	• According to TEA, intent behind SB 1108. • Technology Immersion Project SB 396.
• Equity	Yes	• According to TEA, intent behind SB 1108.

2.10.2 State-Level Policy Activity

Despite publicly funded supplemental programs, repeated pilot programs, and repeated attempts to establish a virtual charter school program, little online legislation and policy exists. According to TEA, the emphasis has been on providing the means for access to schools and students. The average daily attendance (ADA) funding model requires a physical building for attendance tracking, which prohibits the creation of publicly funded cyberschools. University-run cyberschools are supported through course tuition rather than public funding. The state allows school districts to develop supplemental online programs and leaves the decision making under local control. In 2001, SB 975 funded a two-year pilot program to examine state policies, requirements, and restrictions impacting districts that offered electronic courses to local students. SB 1108 (2003) continued the pilot program approach, but with provisions for the program to fund itself through school participation fees.

State Education Agency and Other Statewide Efforts

- The Texas Education Agency (TEA) and the State Board of Education guide and monitor activities and programs related to public education in Texas. However, distance-learning policy, including online learning, is under the control of local authority.
- TEA implemented a two-year virtual school pilot program called the Virtual School Pilot (VSP) and the Investigating Quality of Online Courses (IQ) Pilot. SB 975 (2001) was the catalyst for this pilot program.
- In 2003, in response to TEA's 2002 *Report to the 78th Texas Legislature on Electronic Courses and Virtual Learning Programs*, SB 1108 was passed. SB 1108 amended SB 975 significantly. Though it does not approve further state funding for the project, it does include provisions for charging a fee to participating schools allowing the pilot to fund itself. However, this fee will be nominal in terms of the cost of administering the pilot.
  - The Texas Education Agency is in the process of designing a new program—electronic Course Pilot—to meet the new SB 1108 requirements. The eCP will "examine the state policies, requirements and restrictions that impact districts and charter schools offering electronic courses"[47] "in which a student and teacher are in different locations for a majority of the student's instructional period."[48] Of special note is the focus on at-risk students in this study.
- SB 396 (2003) establishes a technology immersion pilot project that would "provide a wireless mobile computer device to each student in a participating school and implement the use of software, [and] online courses" [49]

Funding

- The public school funding model is average daily attendance (ADA), a full-time-equivalency (FTE) model based on seat time. To receive state funding for distance learning programs, schools must abide by the ADA standard, meaning students must be physically present to be eligible for state funding under normal attendance accounting rules.
- Provisions through the Virtual School Pilot increased funding possibilities for schools participating in the pilot by allowing access to Foundation School Program funding for some students who otherwise would not generate state funding.
  - If a student registered and took three courses through the pilot, the school might then get half-time ADA funding. Students who were normally half-time but now are taking addi-

[47] Texas Education Agency. (n.d.). *Web-based learning.* Retrieved May 4, 2004, from http://www.tea.state.tx.us/technology/wbl/index.html.

[48] Texas Senate Bill 1108. (2003). Retrieved May 4, 2004, from http://www.capitol.state.tx.us (text available through search).

[49] Texas Senate Bill 396. (2003). Retrieved May 4, 2004, from http://www.capitol.state.tx.us (text available through search).

tional courses and have met the five-course requirement for full-time receive full-time ADA funding.
  - Activities involving the daily documentation of each student's participation in computer-aided instructional services are to be electronically stored on each student's personal computer hard drive and/or the site of the Internet instructional services. This electronic data must also be transferred to the centralized accounting office of the VSP participant on a regular basis and no less than every 40 instructional days.
  - For the purpose of VSP state funding, the definition of "successful completion" is that the student completes and passes the course or program of instruction and passes the final VSP-approved exam.
- Texas funded the Virtual School Pilot through the Foundation School Program based on two funding models—Model A: Contact Time, and Model B: Successful Course Completion.
  - Model A was found "not to be a viable method for allowing ADA-based funding due to the nature of online courses and the inability of districts to verify and comprehensively document student time spent in online learning when students are not working at the school site."
  - Model B "must be further developed in terms of the quality of the assessments used, documentation of individual student identity."[50]
- Since the ADA funding model was the only mechanism for schools through the Virtual School Pilot to collect funding, all students participating in the VSP had to be enrolled in a public school.
- Home-schooled students as part of the Virtual School Pilot had to enroll in a public school to be counted as part of the ADA funding and take the Texas Assessment of Knowledge and Skills statewide assessment test.

Curriculum

- According to TEA, online courses must meet the same standards as traditional courses. Courses must meet or exceed Texas Essential Knowledge and Skills (TEKS) standards in order for students to receive state credit for the courses. Schools may offer courses that do not meet TEKS for local credit. This decision is made at the local level.

Teacher Qualifications and Evaluation

- According to TEA, online programs have the same teacher certification requirements as teachers in the traditional classroom.

Accountability for Student Achievement

- Local school districts are held accountable through the Texas Assessment of Knowledge and Skills proficiency test, the Texas Essential Knowledge and Skills curriculum standards, passing rate standards for student demographics, and percentage of student attendance that meets state standards.
- All students participating in the VSP must take the Texas Assessment of Academic Skills, end-of-course exam, and AP exam (if applicable) at the regularly scheduled administrations.
- Virtual School Pilot schools are required to administer end-of-semester and end-of-course exams at physical locations.

[50] Texas Education Agency. (2002). A report to the 78th *Texas Legislature on electronic courses and virtual learning programs*. Retrieved May 4, 2004, from http://www.tea.state.tx.us/technology/wbl/wbl_02report.html.

Other Quality Assurance Issues

- The IQ Pilot (Investigating Quality of Internet Courses) was created by TEA in 2001 to establish state guidelines for online courses and an evaluation process. An evaluation process has been established and courses have been evaluated; as of yet, there are no state-sanctioned courses, nor has the evaluation process designed by the IQ Pilot been established as a state evaluation process for online courses.

Equity and Access

- According to TEA, all students must be given the opportunity to participate in the VSP project.
- Under the VSP project requirements, schools may loan equipment to their students taking VSP courses but cannot transfer ownership of the equipment.

Other Key Elements of State Policy

- Of note is the TEA's Division of Migrant Education (DME), which envisions a virtual high school to enable migrant students to take coursework anywhere and anytime. Texas has the second largest population of migrant workers, and the DME has several distance-learning programs in place to help the children of the population. One, the University of Texas Migrant Education Program, received a grant by Microsoft that has allowed the program to put the secondary course, Mathematical Models, online via the Internet.

2.10.3 Statewide Program

Texas does not have a statewide online education program.

2.10.4 Primary Resources

- Texas Education Agency – IQ Pilot (Investigating Quality of Online Courses) www.tea.state.tx.us/technology/wbl/wbl_ioc.html
- Texas Education Agency – Virtual School Pilot www.tea.state.tx.us/technology/wbl/wbl_vsp.html
- Texas Education Agency – Web-Based Learning www.tea.state.tx.us/technology/wbl/index.html
- Texas Senate Bill 396 (2003). (text available through search) www.capitol.state.tx.us
- Texas Senate Bill 975 (2001). (text available through search) www.capitol.state.tx.us
- Texas Senate Bill 1108 (2003) (text available through search) www.capitol.state.tx.us
- Texas Education Agency. (n.d.). *Interstate and binational activities for the Texas Migrant Education Program*. Retrieved May 4, 2004, from http://www.tea.state.tx.us/nclb/migrant/documents/mepactivities.pdf
- Texas Education Agency. (2002). *A report to the 78th Texas Legislature on electronic courses and virtual learning programs.* Retrieved May 4, 2004, from http://www.tea.state.tx.us/technology/wbl/wbl_02report.html

2.11 Wisconsin

2.11.1 Overview

Wisconsin has a statewide program—the Wisconsin Virtual School (WVS), operated by a regional educational service agency—as well as several cyber charter schools. The existence of cyber charter schools is encouraged by Wisconsin's open enrollment law, which allows students to attend any public school in the state and mandates that most of the student's FTE funding goes to that school. There is little state-level legislation or regulation relating to online programs. Local districts decide whether to accept credit for courses offered by the WVS, and cyber charter schools operate under general charter school laws. District-level online programs also exist but are not tracked or regulated by the Wisconsin Department of Public Instruction (DPI). The DPI administers a four-year federal grant (expires June 2004) providing online AP courses to school districts throughout the state.

Wisconsin K–12 Online Activity Snapshot

CATEGORY	YES/NO	COMMENTS
Statewide program	Yes	• Wisconsin Virtual School, a supplemental middle and high school level program. Created 2001.
Other online programs	Yes	• Programs consist of charter schools, including some associated with K12 Inc. and Connections Academy, Inc., and others not affiliated with for-profit companies, and some district supplemental programs. Four-year federal grant, administered by the DPI and ending in 2004, provides AP courses to districts throughout the state.
Information collected about online students	No	• Not tracked.
Legislation specific to online education:	No	• Wisconsin is applying general education statutes to online education. Laws on charter schools and open enrollment have been particularly important.
• Quality	No	• Assessments required of general education are also applicable to online education.
• Access	No	
• Equity	No	

2.11.2 State-Level Policy Activity [51]

Both cyber charter schools and district online programs exist in Wisconsin. The growth of charter schools has been encouraged by Wisconsin's open enrollment law, which allows students to choose a charter school anywhere in the state and have the student's FTE funding flow to that school. This funding model has attracted for-profit education companies including Connections Academy, Inc., and K12 Inc., and some districts have created their own online programs.

No state-level legislation or regulations directly address online education. The only state-level policy that relates to online programs was created for physical charter schools. Charter schools in Wisconsin are "exempt from most state requirements" but "accountable in three major areas: (1)

[51] Information in this section is taken from the Wisconsin Department of Public Instruction *Public School Open Enrollment* Web site (http://www.dpi.state.wi.us/dpi/dfm/sms/qatoc1.html) and *Charter Schools* Web site (http://www.dpi.state.wi.us/dpi/dfm/sms/csindex.html), as well as phone interviews with Stephen Sanders of the Wisconsin Department of Public Instruction.

student performance [i.e., state assessments], (2) fiscal management, and (3) adherence to their contracts and the charter school law."[52] This distant oversight approach has led to little state-level policy related to educational inputs (e.g., quality assurance measures)—except that charter schools (physical and cyber) must have licensed teachers and must participate in the third-grade reading and Wisconsin Knowledge and Concepts Examinations (the state assessment). Accountability for student achievement is obtained primarily through state assessments. As with cyber charter schools, district online programs are not directly supervised or tracked by DPI.

State Education Agency and Other Statewide Efforts

- Wisconsin is a "local control" state, and DPI has no direct oversight over district-level programs or charter schools. Cyber charter schools are governed by charter school laws.
- Charter school petitions are approved or denied by the local school board. (DPI is not authorized to charter schools or approve other authorizers of charter schools; however, a state appeals process exists for schools in Milwaukee.)
- DPI, in consultation with a committee comprised of educators from around the state, created a set of recommendations for online policies in early 2001. As of early 2004, no formal regulations or laws have been created based on the recommendations.

Funding

- Wisconsin's open enrollment law allows parents and students to choose any public school in the state, including cyber charter schools, and have FTE funding flow to that school.
- Through open enrollment funding, an average of $1,500 stays with the resident district. This amount varies greatly from district to district based on the per-child revenue that the district can levy, and approximately $5,500 goes to the school in which the student enrolls. The level of funding that goes to the enrolling school does not vary by school or district but is set each year by the DPI.
- For special-needs students, the cyber charter school submits a tuition claim to the resident school district for the full cost of the student's special-education program and related services required by the student's individualized education program (IEP).
- There are no limits on students who were formerly home-schooled enrolling in cyber charter schools and receiving public education funding, and the issue of funding home-schooled students in cyber charter schools is not prominent in Wisconsin.

Curriculum

- Courses must align with state content standards.

Teacher Qualifications and Evaluation

- Teachers must be licensed by DPI and certified in the subject area in which they are teaching; or they must obtain a charter school license, which permits a teacher to teach more than one subject.

Accountability for Student Achievement

- Charter schools are required to have their students take Wisconsin state assessments.
- Charter schools, in their petitions, must explain methods that will be used to help students reach educational goals spelled out in Wisconsin law[53] and define how student progress will be measured.

[52] Wisconsin Department of Public Instruction. (2003). *Legislative report on charter schools.* Retrieved May 4, 2004, from http://www.dpi.state.wi.us/dpi/dfm/sms/pdf/cslegr02.pdf.

[53] Educational goals are detailed in Chapter 118, General School Operations, of the 2003 Wisconsin Statutes. Retrieved May 4, 2004, from http://www.legis.state.wi.us/statutes/stat0118.pdf.

Other Quality Assurance Issues

- Charter schools must participate in the annual School Performance Report.

Equity and Access

- All charter schools are required to abide by all federal laws, including those regarding students with disabilities.
- A cyber charter school may not deny access to a student simply because the student needs special education, but may do so if the school does not have space in the grade or program that the child would attend.
- If a student has an individualized education program (IEP), the IEP is released to the enrolling cyberschool as part of the open enrollment process.
- Charter schools that receive federal funds must hold a lottery if student applications exceed space.

Other Key Elements of State Policy

- None reported.

2.11.3 Statewide Program

Wisconsin Virtual School (WVS) is a supplemental program created in 2001, with about 300 students and about 555 course registrations in spring 2003. It is funded through course fees paid by districts and a small grant from the Wisconsin Department of Public Instruction (DPI), totaling $140,000 over five years. WVS is managed by the Cooperative Educational Service Agency 9 (a regional consortium of school districts) and primarily serves students needing credit recovery. Fifty-five percent of students taking WVS courses are making up missed credits. Other reasons cited by students include schedule conflicts, an accelerated pace, the experience of online learning, limited curriculum offerings in their physical schools, homebound status, study abroad, special-education needs, expulsion, and teen parenting. WVS plans to add AP and pre-AP courses in the fall of 2004. WVS has relatively few formal policies in place regarding quality assurance, equity and access, and other issues, but it does have processes in place to address many of these concerns.

Wisconsin Statewide Program Snapshot

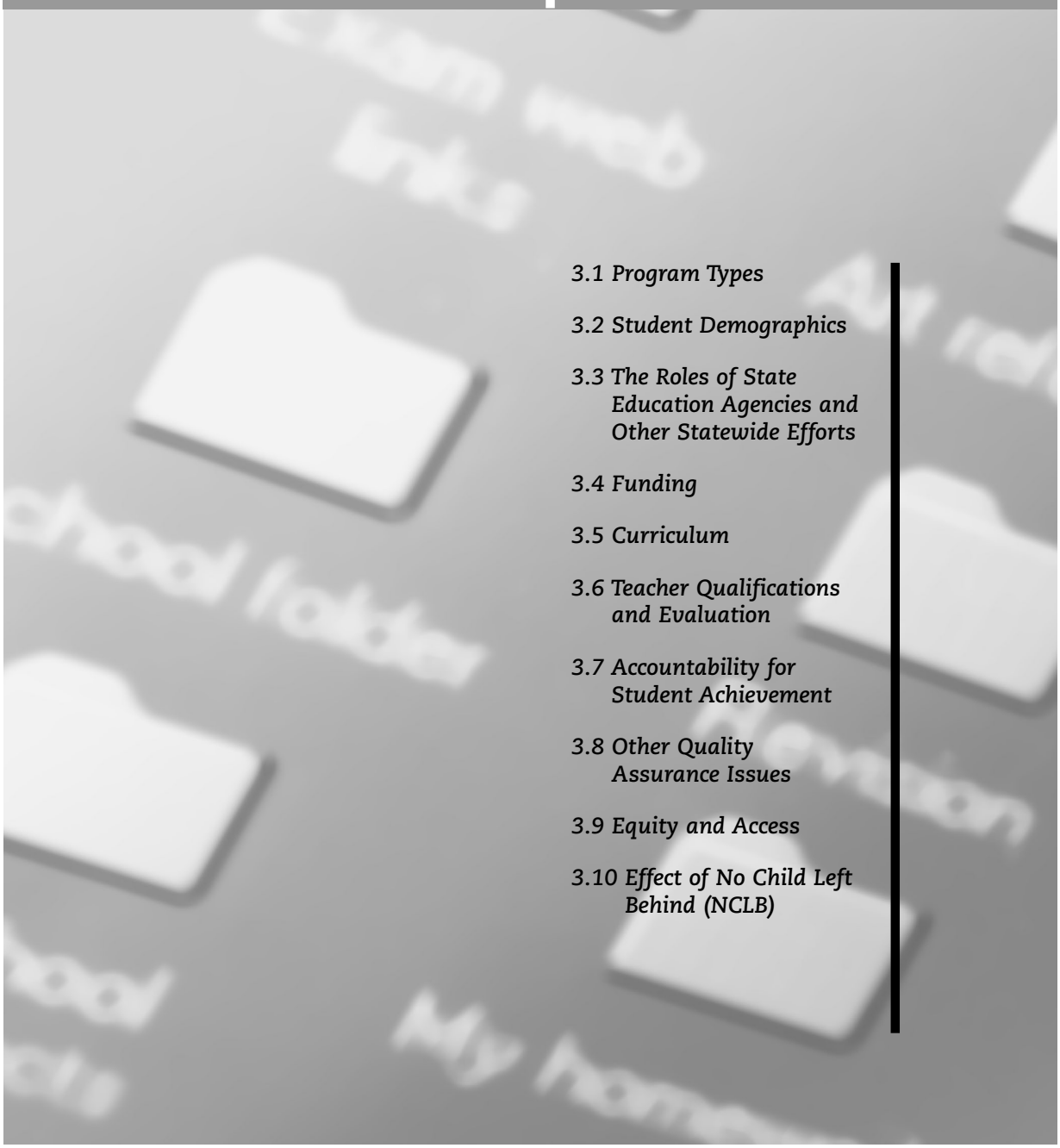
CATEGORY	COMMENTS
Operations	
Program type	• Supplemental.
Grade level	• Grades 6–12.
Types of students	• Credit recovery, at-risk, scheduling conflicts.
Number of registrations and students	• Spring 2003: 550 registrations representing 300 students. This number changes because of rolling enrollment; students typically register individually and progress at their own pace.
Governance	• Cooperative Educational Service Agency 9 (CESA 9) acts as fiscal agent and governs WVS. CESA 9 is overseen by a Board of Control comprised of members of boards of education.
Accreditation	• Credit given by local districts; WVS is not accredited.
Funding	
Funding sources	• Course fees and a five-year, $140,000 alternative education grant from the Wisconsin DPI, which runs through end of 2004.
Course fees	• $325 per semester per course paid by districts or students. • Students have 14-day drop period after registering for a course; no census date because of rolling registration.

Wisconsin Statewide Program Snapshot (continued)	
Curriculum	
Number of courses	• 50 general studies courses, all licensed from Class.com, 19 AP courses, and 10 world language courses licensed for fall 2004 • 100 percent of courses are licensed.
Teachers	
Number of teachers and full-time or part-time	• 22 active teachers. • All on part-time contracts as consultants.
Quality Assurance	
External evaluation	• No.
Students' online readiness requirements	• No formal requirements. • Online student readiness checklist is recommended to local education guides.
Accountability for student achievement	• Tracking course-completion percentage.
Teacher qualifications	• Teachers must be Wisconsin certified in the subject area.
Teacher evaluation	• Teacher online activity monitored. • Student questionnaires upon completion of course. • No formal evaluation.
Curriculum	• All core courses meet Wisconsin state standards. • Alignment of courses with standards was done and documented by Class.com for core courses but not electives. • Course size limited to 20 students.
Other	• An informal survey is done when courses are completed to determine some student demographics, satisfaction with the course, technology, the virtual teacher, time to complete, hours spent studying, and other information.
Equity and Access	
Online accessibility	• There is no formal policy in place.
Noncourse services for special-needs students	• No formal policies for special-needs students; local schools and WVS provide accommodations as necessary.

2.11.4 Primary Resources

- Wisconsin Department of Public Instruction – Charter Schools
  www.dpi.state.wi.us/dpi/dfm/sms/csindex.html
- Wisconsin Department of Public Instruction – Charters Schools: Questions and Answers
  www.dpi.state.wi.us/dpi/dfm/sms/csqanda.html
- Wisconsin Department of Public Instruction – Public School Open Enrollment
  www.dpi.state.wi.us/dpi/dfm/sms/psctoc.html
- Wisconsin Virtual School
  www.wisconsinvirtualschool.org
- Wisconsin 2003 Statutes, Chapter 118, General School Operations
  www.legis.state.wi.us/statutes/stat0118.pdf
- Wisconsin Department of Public Instruction. (2003). *Legislative report on charter schools.* Retrieved May 4, 2004, from http://www.dpi.state.wi.us/dpi/dfm/sms/pdf/cslegr02.pdf

SECTION 3 | *Issue Analysis: State Policies*



3. ISSUES ANALYSIS: STATE POLICIES

The state profiles in the preceding section present information across a variety of topics, organized by state. This section and the next present summaries and analyses of each topic across all the states profiled. This section deals with state policies; issues related to statewide programs are covered in the next section. Many online programs have put in place practices regarding curriculum, teaching, student support, and other issues; those policies, which have been developed independently of state policy, are not discussed here.

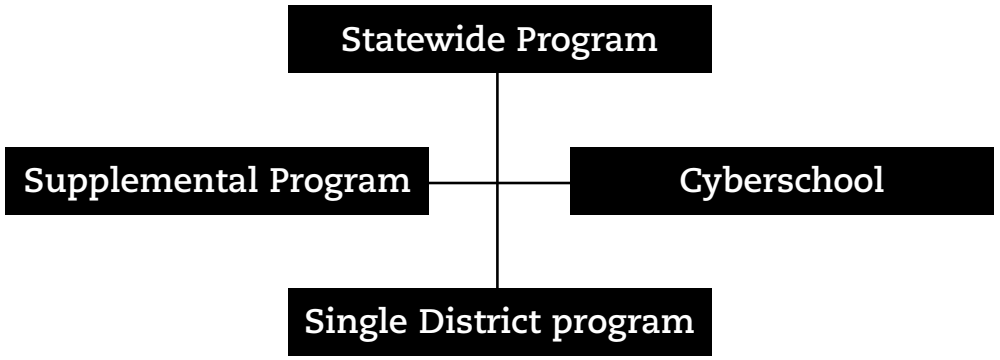
3.1 Program Types

Summary: *Five basic types of programs exist—statewide supplemental programs, district-level supplemental programs, single-district cyberschools, multi-district cyberschools, and cyber charter schools. The varying characteristics of these programs raise significant issues about the role of online learning in public education.*

The various types of online education programs may be defined along two dimensions that greatly affect how they operate and how they respond to students' needs. One dimension is whether the online program enrolls students and grants credit and diplomas (cyberschools), or provides online courses to students who are enrolled in another school (supplemental programs). The second dimension is the jurisdictional level at which the program operate, such as statewide, multi-district, or single district. (Some cyberschools are cyber charters, which operates quasi-independently of the school districts in which they are chartered, but operationally they are comparable to other multi-district cyberschools.)

Details of many operational issues (e.g., funding, student support) are greatly affected by program characteristics that are determined by the placement of the program within these two dimensions. For example, funding needs and mechanisms for a statewide program will be significantly different from those of a single-district program. Similarly, how a supplemental program provides student support will differ from how a cyberschool provides student support because the supplemental program works with the physical school that the student is attending.

DIMENSIONS OF ONLINE EDUCATION PROGRAMS



Within the dimensions described, there are five basic types of online programs:

Statewide supplemental programs provide individual courses to students anywhere in the state who are enrolled in a physical school or cyberschool. These programs are authorized in some way by state-level authority (e.g., state legislation or the state's department of education) to operate on a statewide basis. Examples include programs in Florida, Colorado, Idaho, Illinois, Michigan, and Wisconsin. Because these programs are usually overseen by the state department of education or some other state-level governing body, program demographic information is relatively well tracked (compared to other online programs). These programs are addressed individually in this report, both in the next section and within the state profiles.

District-level supplemental programs exist in many states; but because they are operated by individual, largely autonomous districts, they are not tracked by state agencies. In most cases, little is known by the state about the number or types of students taking courses in these programs; the knowledge that exists is often obtained informally by personnel within the state department and is not included in any reports or other publicly available information. The structures that exist to track online students in other programs (e.g., statewide programs and cyber charter schools) do not cover students in district-level programs. In some states (e.g., Texas) data specific to online students are collected through the state information management system; however, the online student data are not systematically sorted out from general student data. One exception will be California, which in 2003 created a pilot project for online programs. The California Department of Education will track information from these programs as part of the pilot.

Single-district cyberschools are run by individual school districts for students who reside within those districts and seek an alternative to the physical school environment. Often a single-district cyberschool is housed within one of the district's physical schools. Students enroll part-time or full-time in the cyberschool. The students tend to be academically at-risk. In most states, the number of students enrolled in such programs is quite small. In Colorado, for example, fewer than 50 of the state's 3,300 cyberstudents in the 2003–04 school year were enrolled in single-district cyberschools. But the number and size of such programs may soon grow rapidly as school districts look for ways to retain students they now lose to multi-district cyberschools.

Multi-district cyberschools are operated by or chartered within individual school districts but enroll students who reside in several school districts (potentially across the state in which the program operates). Multi-district cyberschools represent the largest growth sector in K–12 online learning.

Cyber charter schools exist in states that allow charter schools. Cyber charter schools are chartered within a single district but usually operate as multi-district cyberschools. They are frequently connected to commercial vendors, such as K12 Inc. Some states (e.g., Minnesota) have enacted legislation that explicitly addresses cyber charter schools and puts quality, accessibility, and other requirements in place that are specific to online education. Other states (e.g., Wisconsin and Idaho) do not have any legislation or policies specific for cyber charter schools; in these states, general charter school laws and regulations are applied to cyber charter schools. In other states (e.g., Illinois), charter law disallows cyber charter schools.

These five types of programs generally develop independently of one another in each state. As a result, some states have all five, some have one to four, and some have none. In addition, the various types of programs are often administered or supervised by different entities, and there may not be strong communication among programs or among the state-level agencies responsible for supervising them.

Almost all states are experiencing rapid growth in multi-district cyberschools (with a significant, though largely unnoticed, momentum generating for cyber charters); and a great deal of attention, though little policy, is directed to these multi-district cyberschools. By contrast, almost no states are paying particular attention to single-district programs (whether supplemental or cyberschool); in fact, no person interviewed for this study could state with precision how many such programs existed or how many students were taking courses in them.

In contrast to the actual range of online program development, educators and policymakers often view the programs as a single type of organization offering a fairly uniform educational experience. While practitioners and state agency staff interviewed for this study are well-versed in the distinctions described here, many of them reported that district educational leaders, state legislators, and other policymakers typically lumped all online programs together. Such misconceptions, along with the relatively small percentage of students enrolled or registered in online programs, may account in part for the generally slow pace of state-level policy development. Regardless, state policy needs to respond to the range of programs, rather than treating all online programs as a single species.

3.2 Student Demographics

Summary: *Very little tracking of online students occurs at the state level; anecdotal evidence suggests that online programs tend to have students at the low and high ends of student achievement.*

In the states surveyed, little demographic information is collected and reported regarding online students. The student demographic information that exists typically comes from either statewide programs or anecdotally from state agencies and is not documented. Some states (e.g., Ohio and Texas) collect online student data as part of the state's overall data collection from all schools. Texas has noted that although there are categories specific to online students in its information management system, many schools are unaware of these categories and do not report the data. Pennsylvania will begin collecting data as its cyber charter schools come up for review and renewal. In some states (e.g., California), reporting requirements for online programs are being put in place, and beginning with school year 2004–05, some additional information will be available in those states about students who are choosing online learning. In many other states, however, no plans are in place for additional tracking and reporting of student information.

Online programs target a number of different types of students, including high-achieving students (e.g., University of California College Preparatory Initiative), students from high-poverty districts (e.g., Colorado Online Learning), and students needing credit recovery (e.g., Wisconsin Virtual School). While most supplemental programs have primarily high school students, cyberschools often have students at all grade levels. The anecdotal evidence suggests that online programs tend to have students at the low and high ends of student achievement, such as students in need of Advanced Placement courses unavailable at their physical schools or students in need of credit recovery.

3.3 The Roles of State Education Agencies and Other Statewide Efforts

Summary: *The roles of state education agencies in supervising or regulating online learning vary widely by state. In general, however, states only recently are beginning to shape state-level policy aimed specifically at online learning. As of March 2004, states typically do not collect information on the nature of online students or the quality of online programs, and few states have any legislation or regulations specific to online learning.*

Most states consider themselves to be "local control" states, with the bulk of decision making at the district level. In practice, the extent of local control varies and the degree of centralization of online education efforts varies significantly. This result, in turn, influences how online education has developed in each state and the role of each state department of education. In Kentucky, for example, almost all K–12 online education activity is conducted by the Kentucky Virtual High School (KVHS); as a result, KVHS, which is operated by the state's department of education, plays a key role in the development of online education policy in the state. In several other states (e.g., Colorado), the statewide program is a prominent part of the state's online education landscape but co-exists with a number of district-operated supplemental programs and/or cyberschools—a mix that creates a much more fragmented landscape. Still other states (e.g., Minnesota) do not have statewide online programs, usually creating even more fragmentation.

In some states (e.g., Florida, Colorado, Illinois, Michigan), the departments of education have played a significant role in creating the statewide supplemental program; in some of these states and in other states (e.g., Florida, Texas), a state agency has implemented and is tracking pilot programs. In most cases, however, the ongoing operations of the statewide program occur without direct oversight from the state department of education, even in cases (e.g., Idaho) where the program is housed within the department. California is a unique case in that its department of education initiated in early 2004 a pilot project to fund and monitor 40 supplemental programs; the pilot includes significant elements of evaluation and data collection. In states with substantial cyber charter school activity (e.g., Minnesota), oversight is sometimes based on legislation created specifically for cyberschools. More commonly (e.g., Wisconsin, Pennsylvania, Idaho), charter school laws written for physical schools are applied to cyber charter schools, and oversight is usually provided by the chartering districts.

State agencies in several states also have been involved at some level in efforts to create policy, either through creation of task forces or commissions, or through the research and reporting efforts of one or a small number of individuals in the department. In some states (e.g., Colorado, Michigan, Texas), this process has been a step towards creation of a statewide program, pilot program, and/or online-specific policies. In other states (e.g., Washington, Oregon), the task force process has not led to statewide programs or policies (as of March 2004). In California, a similar effort has taken place outside of the department of education, spearheaded first by the statewide program, the University of California College Preparatory Initiative, and more recently joined by other educators across the state, through the California Consortium of Virtual Educators.

3.4 Funding

Summary: *With the exception of statewide supplemental programs, funding for cyberstudents is typically tied in some way to state FTE funding. Few states have made policy decisions to fund online students in ways that differ significantly from funding for students in physical schools.*

States fund public education through a version of the full-time equivalent (FTE) model, which pays districts based on per-pupil enrollment with adjustments for grade levels, size of districts, and other factors. In most states, cyberstudents are funded through the same mechanism, with some variations:

- Students in cyberschools often are funded at the same rate as students in charter schools, which may be the same or different as students in noncharter public schools. Charter schools often are required to show policies or practices demonstrating proper attendance, but state policies almost never contain provisions about how this task should be done for cyberstudents.
- District-level supplemental programs are generally funded by district appropriations, not directly by FTE funding. The districts do receive state FTE funds for the students in such programs—not for the supplemental online courses but for the students' enrollment in a district physical school.
- Almost all cyberschool FTE funding is based on seat time (an extension of the model for physical schools) rather than some other mechanism developed specifically for online learning. Florida Virtual School is a notable exception, with funding based on successful course completions. The Florida model eliminates issues of how to measure seat time in an online course but raises issues of quality assurance. Minnesota funds online students based on course completions.
- The costs of online education are not well known. Colorado has sponsored two studies in the past two years on the costs of online education, both of which concluded that the "true" cost is difficult to ascertain but appears to be comparable to the cost of physical schooling.[54] Florida and Texas have both implemented pilot online programs, at least in part to determine whether online education may cost less than physical school education. Both states are also attempting to use online education as a way to reduce class sizes in physical schools.
- Because the availability of online courses means that students can potentially take more than a full load of courses, several states (e.g., Minnesota and Idaho) restrict funding to no more than 1.0 FTE per student.
- Some states demonstrate concern about home-schooled students being attracted into cyber charter schools and generating FTE funding, thus raising the state's education costs. The practice of private companies, such as K12 Inc., marketing to home-schooled students has heightened this concern. In response, at least two states—Colorado and Minnesota—have limited the funding available to such students. Texas specifically denied K12 Inc. the right to operate in the state. Other states (e.g., Wisconsin and Idaho) have implemented policies based on the premise that the state should pay for all students regardless of circumstances and have not limited funding for such students.
- Charter school law in Minnesota and Wisconsin sets the amount of per-pupil funding that flows to a cyber charter school and the amount that stays with the student's home district.

54 One of the Colorado reports, Funding Online Education, published in February 2003, is available online at http://www.cde.state.co.us/edtech/download/osc-fundingonline.pdf.

3.5 Curriculum

Summary: *States apply to online courses content standards created for physical school courses and have not created curriculum standards specific to online courses.*

No state has created detailed curriculum standards for online courses. All states require that online courses meet state content standards, in the same way that all courses in brick-and-mortar schools must do. These standards, however, do not address issues specific to the online environment, either in content development or delivery. In most cases, individual school districts are primarily responsible for ensuring that online courses meet content standards. In some cases, this task is different for charter schools, which are often measured solely by outcomes and not by inputs.

There are exceptions. Texas implemented the Investigating Quality of Online Courses (IQ Pilot), which has focused on developing criteria and processes for evaluating the quality of online courses. Minnesota requires that online courses must be "rigorous" and must have standards of instruction "equivalent" to non-online courses. California law requires online courses to have content that is "the same" as that of a brick-and-mortar school course, but the details of how the online course must achieve this sameness is left to the school district comparing the online course with a physical school course.

In some states, postsecondary institutions have come together to form a consortium and purchase a course management system to be used across the state. No state has done this at the K–12 level.

3.6 Teacher Qualifications and Evaluation

Summary: *States require that online teachers are state certified at the same level as teachers in physical schools. No certification or training specific to teaching courses online is required.*

Most states require that online teachers meet state standards in terms of licensure or certification. One exception to this is Michigan, which notes, "The teacher of record may be the instructor associated with the virtual course and, therefore, may not necessarily hold a Michigan teacher certification."[55] In this case, however, the state requires that an on-site mentor assigned to the student is a certified teacher. With the exception of California and Minnesota, no additional standards or requirements are in place; in fact, some charter school laws allow some teachers in charter schools not to have state certification (e.g., Pennsylvania, where a charter school needs to have only 75 percent of its staff licensed).

California law has several stipulations related to teachers:[56]

- "The teacher of an online course shall be online and accessible to the pupil on a daily basis to respond to pupil queries, assign tasks, and dispense information."
- "At each participating schoolsite, the ratio of full-time equivalent certificated teachers teaching through online instruction to pupils engaging in that instruction shall be substantially equivalent to the ratio of teachers to pupils in traditional in-classroom study of the same subject matter."

[55] Michigan Department of Education. (2001). *Guidance on virtual learning.* Retrieved May 4, 2004, from http://www.michigan.gov/documents/virtual02_2002_18549_7.pdf.

[56] California Statute AB 294. Retrieved May 4, 2004, from http://www.leginfo.ca.gov/pub/bill/asm/ab_0251-0300/ab_294_bill_20030922_chaptered.html.

- "A teacher may teach pupils in one or more online courses…only if the teacher concurrently teaches the same course to pupils in a traditional in-classroom setting in the providing school district or did so within the immediately preceding two-year period."
- "A teacher teaching in an online classroom program shall hold the appropriate subject matter credential."

Minnesota limits the student-teacher ratio to 40 to 1, and its law states, "Actual teacher contact time or other similar communication is an expected on-line learning component."[57] Both California and Minnesota require that online programs have policies in place to address teacher performance; California law provides that school districts offering online courses must "develop and implement" policies for teacher selection, training, and evaluation.[58] Minnesota requires programs to describe the methods "for interactivity and assessment between students and teachers."[59]

In the absence of state requirements, many online programs have their own standards for teacher qualifications. Although the online programs almost never require certification or licensure beyond the state mandates, they frequently implement their own training for online teachers and often require that their faculty take online courses in order to understand the experience of learning online.

3.7 Accountability for Student Achievement

Summary: *All states require students to take part in state assessments, but no states have additional requirements for student outcomes in online programs.*

States require that cyberstudents take part in state assessments, but the logistical challenges of getting cyberstudents to take tests given by physical schools are left to the local schools and districts. Texas Virtual School Pilot schools are required to administer end-of-semester and end-of-course exams at physical locations. Florida's K–8 Virtual Pilot requires the pilot online schools to provide physical locations for testing. Ohio's eCommunity schools, according to the Ohio Revised Code, must provide testing at a suitable location. Charter school law in Idaho requires that the online school describe "the measurable student educational standards identified for use by the charter school…[and] the method by which student progress in meeting those student educational standards is to be measured…[and a] provision by which students of the charter school will be tested with the same standardized tests as other Idaho public school students."[60] Wisconsin charter school law takes a similar approach.

[57] Minnesota House of Representatives. (2003). 2003 *On-line Learning Option Act* [Legislative summary]. Retrieved May 4, 2004, from http://www.house.leg.state.mn.us/hrd/issinfo/ssoloa.htm.

[58] California Statute AB 294. Retrieved May 4, 2004, from http://www.leginfo.ca.gov/pub/bill/asm/ab_0251-0300/ab_294_bill_20030922_chaptered.html.

[59] Minnesota Department of Education. (2003). *Online Learning Option Act provider application.* Retrieved May 4, 2004, from http://www.education.state.mn.us/content/026558.pdf.

[60] Idaho Legislation - Title 33, Chapter 52: Public Charter Schools. Retrieved May 4, 2004, from http://www3.state.id.us/idstat/TOC/33052KTOC.html.

3.8 Other Quality Assurance Issues

Summary: *Many states have additional quality assurance mechanisms; these mechanisms often are processes not tied to formal policies.*

Little state-level policy exists to verify the quality of online learning programs, although many states are attempting to determine some means for doing so. Texas, in partnership with its Virtual School Pilot, has undertaken a project (Investigating Quality of Internet Courses, or IQ Pilot) to establish state guidelines for online courses and content and an evaluation process for online courses. The Pennsylvania Department of Education requires an annual review of cyber charter schools and a comprehensive review of such schools prior to granting charter renewals. California law requires that school districts offering online courses develop and implement policies that address test integrity as well as the type and frequency of contact between student and teacher. In addition, some states (e.g., Wisconsin) require charter schools to participate in school performance reporting established by the state's department of education. Such provisions apply to cyber charters but not to other online programs. Ohio requires that cyberschool teachers conduct in-person visits with all of their students throughout the year. Colorado requires cyberschools to post quality indicators (e.g., course completion rates, student-teacher ratios) on their Web sites.

The Maryland Virtual Learning Opportunities (MVLO) program is a good example of a state department of education issuing quality assurance guidance for online programs. MVLO has created a handbook[61] with planning and implementation checklists covering all decisions any school must make before offering online courses. Topics covered include course fees, enrollment and student grading provisions, course and teacher qualification criteria and evaluation considerations, and parent and student orientation. It also has developed an instructional design checklist[62] that covers curriculum, student assessment, accessibility, and legal requirements, such as copyright law and student data security.

3.9 Equity and Access

Summary: *All states require online programs and cyberschools to comply with nondiscrimination laws, but these laws are not specific to online education. Some states have addressed digital divide inequities in access, but few states have addressed equity in terms of income or specific student needs.*

All states require that online programs comply with federal nondiscrimination laws, such as the Americans with Disabilities Act. Some states (e.g., Ohio, Florida, and Pennsylvania) require that cyberschools provide enrolled students with computers and Internet connectivity. In addition, some states' charter school laws and some laws specific to online programs require that all students must be given the opportunity to participate. California law requires that school districts with online programs develop and implement policies regarding prioritization of students for online courses. The same law also requires that districts have policies for equity and access in terms of hardware and for providing on-site support to online students, but the law does not specify details for those policies. Minnesota law allows cyberstudents access to hardware and software in the school district where they reside.

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[61] Maryland State Department of Education. (2003). *Maryland Virtual Learning Opportunities Program: Local school system planning and implementation guide, 2003–2004.* Retrieved May 4, 2004, from http://www.mdk12online.org/5Syst/sysHNDBK.pdf.

[62] Maryland State Department of Education. (2004). *Quality assurance: An instructional design checklist.* Retrieved May 4, 2004, from http://www.mdk12online.org/7Reso/Qual/index.htm.

Minnesota law also states "special education students must have equal access to on-line learning."[63] The state requires that online programs describe how they "will ensure that a student with a disability has equal access, assuming the student's Individualized Education Program (IEP) team determines that on-line learning is appropriate education for the student, and how the needs of special education students will be met through the proposed on-line learning program."[64] In Wisconsin, a cyber charter school may not deny access to a student who needs special education unless the school lacks space in the student's grade or program.

Almost no states have made significant movement toward using online learning as a vehicle for improving access to learning opportunities for highly mobile students (e.g., migrant workers and homeless children). A notable exception is the Texas Education Agency's Division of Migrant Education (DME), which envisions a virtual high school that will enable migrant students to take coursework anywhere and anytime. Texas has the second largest population of migrant workers in the United States, and the DME has several distance learning programs in place to help the children of migrant workers. One such program, the University of Texas Migrant Education Program, received a grant from Microsoft that has allowed the program to put the secondary course, Mathematical Models, online.

Several states (e.g., California and Minnesota) require that students under age 17 obtain parental permission to take online courses. California also stipulates that a student may not be required to take an online course.

3.10 Effect of No Child Left Behind (NCLB)

Summary: *Although educators see online programs as a potentially valuable tool for meeting requirements of NLCB, it is too early to tell whether and how NLCB will affect online programs.*

As of March 2004, the intersection of thinking about No Child Left Behind (NCLB) and online education appears to be too new to have had significant impact on the development of online programs. Many educators have commented that online education can help schools meet the NCLB requirements to provide options to students and to provide highly qualified teachers in situations where schools do not have such teachers within their walls. This recognition of the potential benefits of online learning, however, seems mostly to be confined to online practitioners. It was not, for example, cited by any of the people interviewed for this study as a critical factor in the growth of online programs, and there are no online programs that are a direct result of the NCLB legislation. The extent that online programs are affected by NCLB is the same as the extent that physical schools must respond to elements of the law.

63 Minnesota Department of Education. (2003). *Online Learning Option Act provider application.* Retrieved May 4, 2004, from http://www.education.state.mn.us/content/026558.pdf.

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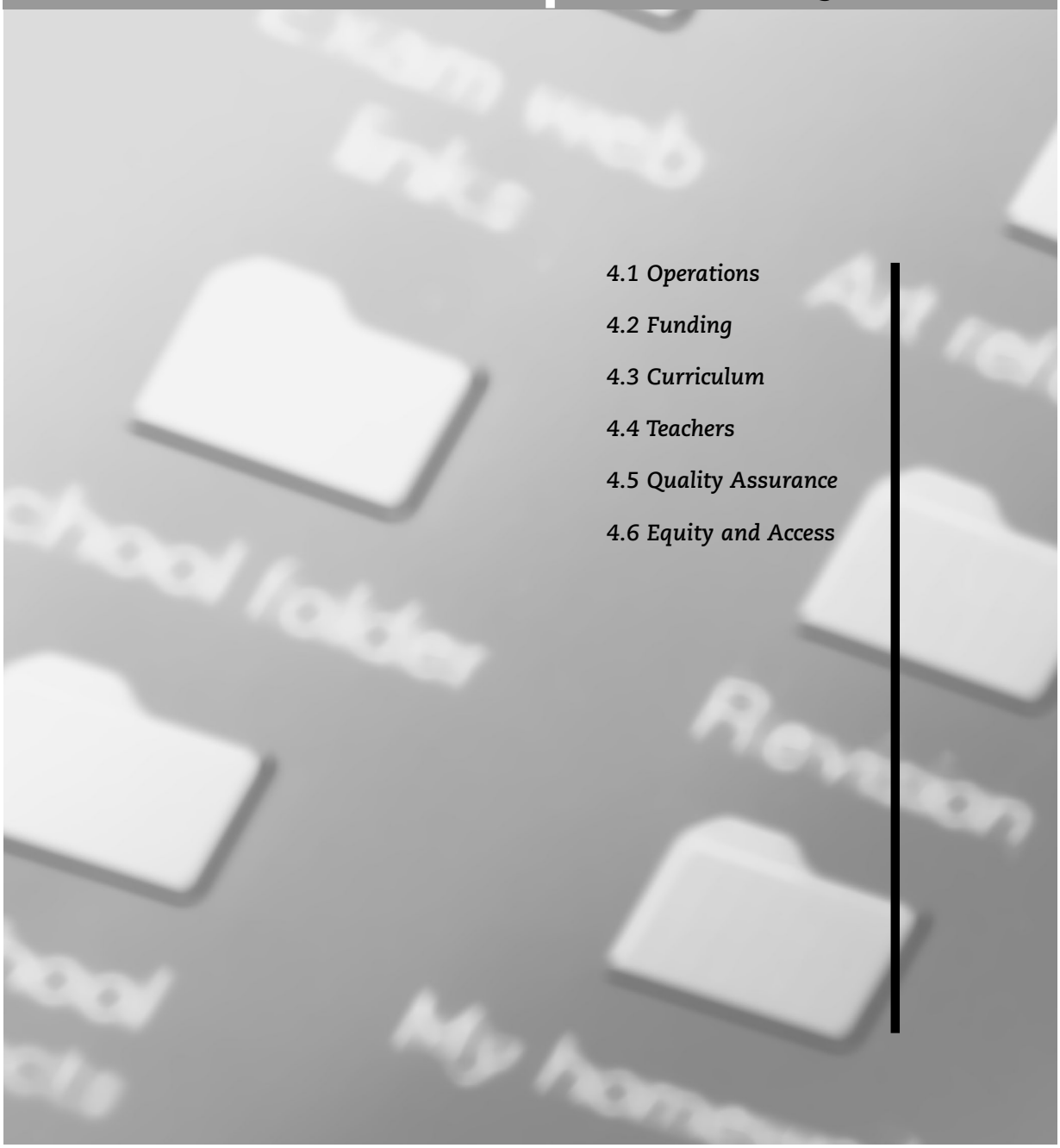
SECTION 4 | *Issue Analysis: Statewide Programs*



4. ISSUES ANALYSIS: STATEWIDE PROGRAMS

Of the 11 states studied, seven have programs that fit the study definition of a statewide program: an online learning program created by legislation or by a state-level agency, and/or administered by a state department of education or another state-level agency, and/or directly funded by a state appropriation or grant for the purpose of providing online learning opportunities across the state. These states and programs are as follows:

- **California:** University of California College Preparatory Initiative (UCCP)
- **Colorado:** Colorado Online Learning (COL)
- **Florida:** Florida Virtual School (FLVS)
- **Idaho:** Idaho Digital Learning Academy (IDLA)
- **Illinois:** Illinois Virtual High School (IVHS)
- **Michigan:** Michigan Virtual High School (MVHS)
- **Wisconsin:** Wisconsin Virtual School (WVS)

4.1 Operations

All of the statewide programs studied are entirely or primarily supplemental programs serving high school students. Some programs (e.g., COL, FLVS, WVS) also serve smaller numbers of middle school students. FLVS and MVHS are the largest programs, with roughly 10,000 registrations per year.[65] UCCP has roughly 5,000 registrations. Other programs range from about 500 to 2,000 registrations. Because these programs are supplemental, most students take one or two courses; thus, the number of students and the number of registrations is similar. While most programs have shown steady growth in recent years, some (e.g., UCCP, IDLA) have seen a drop in registrations due to budget cuts.

Statewide programs collectively have a wide variety of student types; they often reach students whose needs are not being completely met by their brick-and-mortar schools, including students unable to take a course due to lack of availability or a scheduling conflict, as well as students needing credit recovery. Most statewide programs do not track student demographics closely. (IDLA is an exception.) The programs are not required to reach certain types of students, with the exceptions of COL (which has a mandate as part of its state grant to serve students from high-poverty districts) and UCCP (which exists to provide Advanced Placement and other college preparatory courses to students lacking access to these courses). Some programs (e.g., MVHS) have taken it upon themselves to reach out to underserved students through pilot initiatives.

The ways in which statewide programs have been created and are governed vary. Some programs (e.g., UCCP, IDLA) were created by legislation; most were not. All are operated and governed essentially independently of their state departments of education, even though some (e.g., IDLA) are housed within the department. IVHS, for example, is governed by the Illinois Mathematics and Science Academy. MVHS is governed by the Michigan Virtual University, and UCCP is operated by the University of California system (UC Santa Cruz). COL is governed by a board of directors representing Colorado school districts. Regional educational service agencies play a role in some cases. In Colorado, a Board of Educational Cooperative Services (BOCES) is the fiscal agent for COL; in Wisconsin, WVS is run by a cooperative educational services agency (CESA 9).

[65] Throughout the report, the term *registration* is used to describe a student registering to take a course. Registration is distinguished from *enrollment*, which in this report means that a student is counted by a school towards the school's share of state FTE funds. Accordingly, students register for courses in supplemental online programs but enroll in cyberschools.

Supplemental programs do not grant credit for courses, since this responsibility falls to the schools in which students are enrolled. Some supplemental programs (e.g., FLVS, MVHS, COL) have or are working toward their own accreditation to help certify their quality. IDLA is required by legislation to seek accreditation.

4.2 Funding

Almost all statewide programs were initially funded by government grants, either in the form of state appropriations (e.g., FLVS, UCCP, IDLA, IVHS, MVHS) or a grant from the state department of education (e.g., COL, WVS). State funding of programs has varied widely from approximately $25 million for FLVS over six years to $140,000 for WVS over five years. IDLA is unique in having gained a large percentage of its funding from a private foundation; IVHS is unique in having received a federal grant.

Most programs, including those with grant funding, charge course fees. Fees range from $100 per student per semester (COL) to $325 per student per semester (WVS). UCCP and FLVS do not charge course fees; the former is funded through direct appropriations, the latter through state FTE.

FLVS is the only statewide program supported through state education FTE funding. This funding began with the 2003–04 school year; before then, the program was funded primarily through annual legislative appropriations. FLVS is also the only statewide program that is funded on the basis of successful course completions rather than course registrations.

4.3 Curriculum

Courses are either homegrown or purchased/licensed from vendors or other programs. A few courses have been developed by a statewide program in collaboration with other organizations (e.g., COL's three middle-school math courses, developed in collaboration with Colorado's MathStar program). Some statewide programs (e.g., COL, FLVS, IDLA) develop all or almost all of their own courses. At the other end of the spectrum, WVS licenses all its courses from a vendor, Class.com. UCCP, MVHS, and IVHS all use a mix of homegrown and licensed courses.

Programs require that courses meet state content standards where applicable. In the case of WVS, this alignment is carried out by the vendor. Idaho has developed end-of-course assessments in several subjects, and these are used by IDLA as the final exam for these courses. COL has an extensive quality-assurance process that examines both content and instructional strategies. In most states, however, because local schools grant credit, the districts are ultimately responsible for evaluating course quality.

4.4 Teachers

Statewide programs make extensive use of part-time teachers hired on contract to teach the courses. IVHS, MVHS, IDLA, and WVS use only part-time teachers. In addition to the part-time teachers, COL has two full-time staff members who teach as part of their job responsibilities. UCCP uses vendors who provide teachers for many of its courses but also has three teachers on staff to teach UCCP's homegrown courses. FLVS has an equal number of full- and part-time teachers.

Statewide programs have quality assurance and other processes for evaluating teachers, although almost none of these is state-mandated. Many statewide programs (and some states) require that teachers be state licensed. Idaho law allows IDLA to waive the certification requirement in order to obtain high-quality teachers from outside the state.

4.5 Quality Assurance

Even in the absence of state-policy quality mandates, quality assurance is emphasized in almost all statewide online programs. Most statewide programs have substantial mechanisms for assuring the quality of the courses and teachers.

- Several programs (e.g., FLVS, COL, IDLA, IVHS, UCCP) have formal program evaluations conducted by external evaluators. In some cases, external evaluations are required by funders.
- Most programs track student course completion rates as a key measure of success. Some programs (e.g., WVS, COL) have elaborate feedback mechanisms for students to comment on courses and teachers.
- Some programs track student progress during courses. FLVS has monthly progress reports that cover the percent of a course completed, pace of the student, and contact between teacher and student.

Colorado Online Learning has created one example of a thorough and well-developed quality assurance process. COL courses are developed by Colorado-licensed teachers and then reviewed by a team of curriculum, pedagogy, and technology experts to ensure compliance with Colorado Model Content Standards and generally accepted instructional design methodology. The process is detailed in COL's *Quality Assurance Program* document.[66] The document describes the purposes, values, and organization of the quality assurance program review and contains a course checklist, content review form, pedagogy review form, and review summary templates.

4.6 Equity and Access

Statewide programs address access issues through a mix of adherence to federal laws (e.g., the Americans with Disabilities Act) and processes designed to meet such needs. There are no examples of policies related to access that are specific to the online environment and go beyond ADA requirements, but all statewide programs indicate some level of accommodations in practice in developing and delivering courses. Program representatives interviewed also believe that part of the responsibility for accommodations falls on the local schools in which participating students are enrolled. Legislation creating IDLA, for example, states that online courses must be available to all students who want to participate; but in practice, much of the responsibility falls to local schools.

Equity is addressed in different ways by different programs. Some programs (e.g., UCCP and COL) have a mandate to address needs of underserved students or students from high-poverty districts. FLVS gives priority for course registrations to students in rural or low-performing school districts, while MVHS has created a pilot program to help underserved students in Detroit Public Schools. IVHS was created specifically to address equity of access to curriculum across the state. It is doing that through its significant partnership with Chicago Public Schools, the third largest school district in the nation. Overall, 57 percent of students in IVHS come from low socio-economic areas. In addition, some programs assist low-income families with acquiring hardware and software in order to access online courses.

[66] Colorado Online Learning. (2004). *Quality assurance program.* Retrieved May 4, 2004, from http://www.col.k12.co.us/qualityassurance/fullQAP.pdf.

SECTION 5 | *Implications*

5. IMPLICATIONS

The findings from research into policies and practices of online education programs in states across the country suggest a number of issues that warrant further consideration. The issues explored in this section are not drawn empirically from research data. Instead, the data from the sample states plus anecdotal evidence based on conversations with practitioners led the study's authors to make the inferences presented.

Impact of Online Learning Programs: *Although online education programs still represent a small percentage of total student populations, they are growing rapidly and are already having a substantial impact on public education.*

All online programs together account for less than 1 percent of K–12 students. The number of online programs and the number of students in these programs, however, are growing rapidly, and the movement of even a few students from physical schools to cyberschools has a significant impact on the budgets of the physical schools they leave.

The potential scalability of online programs, the fiscal impact on financially strapped physical schools, and the linkage of online learning to other potent trends in education (e.g., school choice and home-schooling) mean that the impact of online education is out-of-proportion to the numbers of students taking online courses.

Impact of Vendors: *In some states, online education vendors are driving the development of online programs.*

State-financed per-pupil full-time equivalent (FTE) funding follows the student. In a physical school environment, the potential movement of funds typically has little effect, or at least its effects are experienced gradually. But in an online environment, the effect of such movement can be felt overnight. The potential market of students supported by per-pupil funding has drawn vendors into online learning.

These companies market their curricula and online schools across each state in ways that are not feasible for physical schools. This marketing has prompted some school districts to create their own online programs in response, prompting a dynamic—in some states—in which the growth of online education is being driven by funding opportunities and threats rather than by students' educational needs.

Impact of State Quality-Assurance Mandates: *State policies rarely provide specific outcome requirements for online programs, relying instead on local district quality controls, state assessment tests, and self-enforced guidelines established by online programs. As a result, little is known about the quality of online learning.*

Except for the statewide programs, online programs are operated by school districts; state policies almost always defer to districts' "local control" in determining the effectiveness of these programs—a practice that is consistent with, and extended from, state policy with respect to physical schools. Yet the districts rarely have the experience required to make such determinations; in the case of multidistrict cyberschools, they lack incentive to be rigorous in setting standards. As a result, the quality of the learning experience offered by

online programs is often uncertain. (Statewide programs are a notable exception because of their greater visibility to state-level policymakers and/or state agency oversight. At least one statewide program director has reported that his program's rigor often puts the program at a competitive disadvantage with lower quality district-level programs.) State assessments only partially fill the quality assurance gap because online students only recently began taking them and because the student population changes substantially from one year to the next.

In an effort to respond to concerns about quality, equity, and accountability, state-level charter school legislation and other state-level policies written specifically for online learning frequently mandate that online programs establish internal compliance mechanisms. Instead of prescribing specific rules and goals for online programs, the states require that online programs establish their own policies and goals; processes for meeting their goals; and reporting mechanisms to the state, district, or other governing body. This approach, which is similar to that used for quality control and environmental management in the private sector, can be powerful and flexible; but the approach requires that state agencies be knowledgeable about the issues specific to online education programs and capable of providing active oversight for the online programs. In the absence of reliable information about these programs and without the staffing sufficient to provide meaningful oversight, state agencies are unlikely to obtain the intended results.

Impact of Adapting Policies Created for Physical Schools: *Online education practices are being developed in the absence of clear state-level guidance, and the window for proactively developing such guidance ahead of practice is closing. States are attempting to apply to online programs policies created for physical schools, and these policies often do not fit well.*

The operational reality of online education programs has far outpaced the legal and regulatory development in almost all states; as a result, states are applying standards and policies created for physical schools to online programs. The most common example of this is the application of existing charter school law. States with cyber charter schools often have no laws or regulations that pertain specifically to online programs; thus, state agencies must rely on existing charter school laws written with physical schools in mind. Another example is the application of public school funding formulas. Almost all states still apply "seat time," often based on a set census date, to determine funding for students in cyberschools—an outdated method that does little to encourage schools to focus on individual students' needs or developed genuinely outcomes-based learning strategies. The application of policies and processes from physical schools to online programs extends to academic issues as well. For example, online programs use teachers who are state licensed and their courses meet state standards. In both these cases, however, the licensure and content standards were created for physical schools and do not contain elements specific to the online environment.

Because of the general lack of policy aimed at online programs, both state-level agency personnel and online practitioners have significant potential power to interpret how existing laws apply to online programs. The absence of state-level information and policy clarity, however, has created a vacuum that is being filled by the practitioners, who are creating de facto policy through their practices.

A few states have enacted legislation specific to online learning. California and Minnesota, for example, have recently passed laws that create some requirements for online programs and require state agencies to track online programs. These laws are significant because they provide a model for other states, and they create reporting requirements that will generate vital information about online programs that is not currently available.

Impact of How Cyberschools Deal With Students Who Have Special Needs: *States apply physical school policies for students with special needs to online learning; no state has yet created specific policies related to online learning. In the absence of such policies, students' needs—especially those that are not academic—are often neglected.*

While some attention is paid to how online curricula and teaching strategies respond to students with disabilities, this study found no state that has established policies to control how other needs (e.g., physical therapy, medical support, and housing) will be met by cyberschools. Special-education delivery systems were designed on the premise that students with special needs reside in the school districts that provide the services to meet those needs. These systems must now respond to students who may "attend" schools hundreds of miles from where they live. As a result, special-education services are delivered inefficiently, often not at all. In Colorado, for example, the district of residence is held financially responsible for all nonacademic special-education services, even if the student is not enrolled in that district. The district receives no money for that student but must pay for whatever services the student requires. Meanwhile, a multi-district cyberschool must hire mobile therapists or make contractual arrangements with treatment agencies throughout the state. Some cyberschools are simply ignoring nonacademic special-needs issues, while others are billing districts of residence for costs that are far greater than these districts would have incurred if they were still providing services to the children.

Impact of Ad Hoc Online Learning Policy Development: *The long-term sustainability of online education is threatened by the ad hoc manner in which it is developing.*

Online education, though still in the early stages of development, holds great promise for helping to meet the needs of many students as it expands and practitioners gain increased experience. But the "ad hoc system of education," which the National Association of State Boards of Education warned about, has gathered strong momentum; only a few states—albeit an increasing number of them—are taking action to establish the "firm policy guidance" the association called for. Across the nation, practice and program growth continue to outpace policy development.

Although some states are establishing policies and pilot studies to help them manage the development of K–12 online learning, online education in most states is still largely unknown and little understood by state policymakers. If online programs are seen as acting outside the best interests of students, or in an unregulated fashion, the growth of these programs may simply be proscribed rather than developed in beneficial directions; alternatively, online programs may provide yet another tool for undermining the mission and viability of public schools. Before the window of policy opportunity closes, states must move urgently to develop appropriate mechanisms to provide a framework of sustainability and value that will enable online education to flourish and to meet the diverse needs of students.

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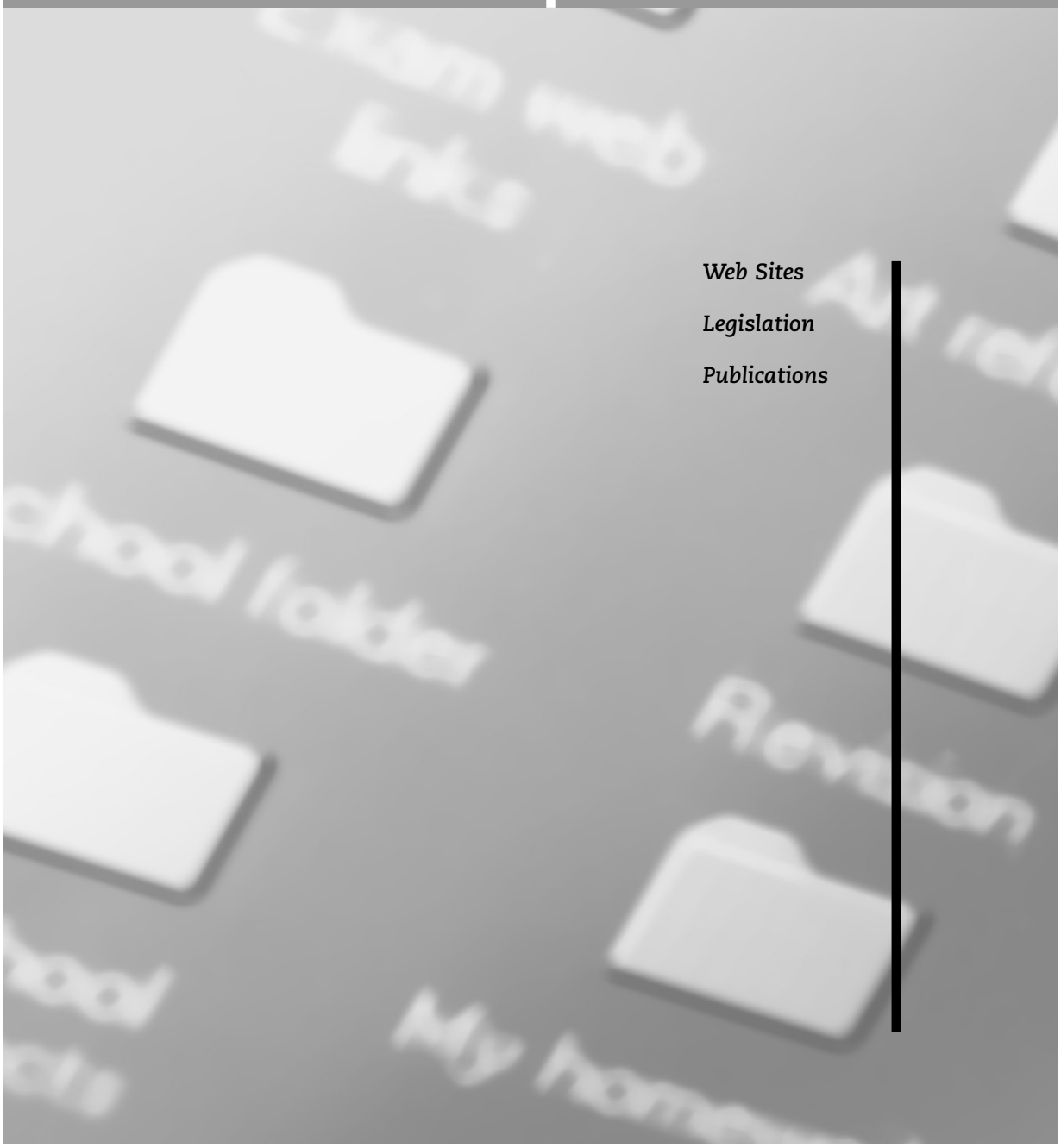

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APPENDIXES

APPENDIX A

Glossary of Online Learning Terms[67]

accreditation: The process used in U.S. education to "ensure that schools, postsecondary institutions, and other education providers meet, and maintain, minimum standards of quality and integrity regarding academics, administration, and related services." (U.S. Network for Education Information, n.d.)

Americans with Disabilities Act: The Americans with Disabilities Act gives "civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications." (U.S. Department of Justice, Civil Rights Division, 2002)

asynchronous communication: Communication in which the participants interact in the varied time-spaces (e.g., e-mail, threaded discussions, homework, message boards).

average daily attendance (ADA): ADA is "(i) the aggregate number of days of attendance of all students during a school year; divided by (ii) the number of days school is in session during such school year." (U.S. Department of Education, 2002)

average daily membership (ADM): ADM is the total days of attendance and absence divided by the number of days taught. The ADM reflects the number of students the district must be prepared to serve. (Arkansas Department of Education, n.d.)

brick-and-mortar school (physical school): An educational organization that enrolls students primarily in classroom-based courses.

cost share model: Funding model in which participating brick-and-mortar schools pay a supplementary online program certain portions of cost fees and the cost of program delivery to their students.

course management system (CMS): The technology platform through which online courses are offered. A CMS includes software for the creation and editing of course content, communication tools, assessment tools, and other features designed to enhance access and ease of use.

cyber charter school: Similar to a brick-and-mortar charter school but instruction is primarily delivered over the Internet.

[67] Adapted from *Glossary of Online Learning* offered on Web site of the Colorado Department of Education. Retrieved May 4, 2004, from http://www.cde.state.co.us/edtech/download/osc-glossary.pdf.

cyberschool (virtual school): An online learning program in which students enroll and earn credit towards academic advancement (or graduation) based on successful completion of the courses (or other designated learning opportunities) provided by the school. (See ***online learning program***; see ***supplemental online program***.)

distance learning: Educational activity in which the participants are separated by space (e.g., correspondence courses, online learning, videoconferencing).

dual enrollment: A program that allows high school students to simultaneously earn college or vocational credit toward a postsecondary diploma, certificate, or degree at a state public institution that will also count as credit toward a high school diploma.

eCommunity schools: The eCommunity schools are Ohio virtual charter schools (or cyber charter schools).

e-learning: Instruction and content delivered via digital technologies, such as online or CD-ROM, or learning experiences that involve the use of computers. *E-learning* is often (incorrectly) used as another term for *online learning*.

enrollment: A single student being counted by a school towards the school's share of state FTE funds—based on the student's attending the school and taking courses. (*Enrollment* is distinguished from *registration*, which in this report means that a student signs up to take a course from a supplemental online program.)

full-time equivalent (FTE): The number of students at a given institution if every student were full-time. "Full-time" status is determined by the institution according to the total number of credit hours a student takes.

homegrown content: Original course content developed by the education institution.

licensed content: Content used by an education entity, which has not developed it but has entered into a formal agreement for its distribution with the original developer.

local control: Situation in which local districts, rather than the state, independently make decisions on policies regarding curriculum and its compliance to state standards, teacher requirements, evaluation processes, and other specifications.

multi-district online program: Program administered by multiple districts, often in a formal consortium. Not to be confused with a program that is administered by a single district even though it accepts students from multiple districts.

online learning: Education in which instruction and content are delivered primarily via the Internet. Online learning is a form of distance learning.

online learning program: An educational organization that develops and offers online instruction and content. An online learning program may be a cyberschool, or it may provide supplementary learning opportunities for students enrolled in physical schools or cyberschools.

on-site mentor: Person designated by an institution to provide face-to-face support to students taking online courses.

physical school (brick-and-mortar school): An educational organization that enrolls students primarily in classroom-based courses.

per-pupil revenue (PPR): An FTE funding model that sets a minimum level of funding, which is adjusted upward based on a number of factors (primarily district size).

"portal" Web site: The Web site surrounding the online courses, which serves as a brochure for the online program, provides course listings and/or schedules, and may support registration and other student services.

registration: A single student signing up to take a course in an online program. (*Registration* is distinguished from *enrollment*, which in this report means that a student is counted by a school towards the school's share of state FTE funds.)

seat time: The actual physical presence of a student in a brick-and-mortar school setting.

single-district online program: Program administered by a single district and provided to students within that district.

supplemental online program: An online learning program that offers courses or other learning opportunities to students who are otherwise enrolled in physical schools or cyber-schools; credit for successful completion of these learning opportunities is awarded by the physical school or cyberschool in which each student is enrolled.

synchronous communication: Communication in which the participants interact in the same time-space (e.g., telephone calls, face-to-face meetings, physical classrooms, chat rooms, and videoconferencing).

virtual school (cyberschool): An online learning program in which students enroll and earn credit towards academic advancement (or graduation) based on successful completion of the courses (or other designated learning opportunities) provided by the school.

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APPENDIX B

California Assembly Bill 294: Online Classroom Pilot Program (passed September 2003)

Excerpted from California AB 294 (www.leginfo.ca.gov/pub/bill/asm/ab_0251-0300/ab_294_bill_20030922_chaptered.html).

Digest:

Existing law, to be repealed on January 1, 2006, requires schools that provide an online asynchronous interactive curriculum, as defined, to meet certain requirements, including applying to the State Department of Education for participation in the program and limits total participation in the program to 40 schoolsites. Existing law prohibits a pupil participating in an online classroom program from being credited with more than one day of attendance per calendar day or more than 5 days per calendar week.

This bill would recodify those provisions as the Online Classroom Pilot Program for the purpose of monitoring and evaluating pupil participation in online asynchronous interactive programs and would limit eligibility to high schools, as specified. The bill would require a school district to submit to the State Department of Education information verifying the time a teacher and a pupil spend online and related activities in which a pupil is involved. The bill would require the department to clearly describe in the application form the academic performance information required to be submitted. The bill would require the Superintendent of Public Instruction to convene a working group to assess the online classroom pilot project and the fiscal costs of offering instruction through online classroom programs. The bill would extend the repeal date to January 1, 2007.

Excerpts from text of the law:

51705. For purposes of this article, the following terms have the following meanings:
(a) "Asynchronous interactive instructional program" means a program in which a pupil and teacher interact using online resources, including, but not limited to, discussion boards, Web sites, and e-mail. However, the pupil and teacher need not necessarily be online at the same time.

(b) "Internet" means the global information system that is logically linked together by a globally unique address space based on the Internet Protocol (IP), or its subsequent extensions, and that is able to support communications using the Transmission Control Protocol/Internet Protocol (TCP/IP) suite, or provides, uses, or makes accessible, either publicly or privately, high-level services layered on the communications and related infrastructure described in this subdivision.

51705.3. (a) The Online Classroom Pilot Program is hereby established for the purpose of monitoring and evaluating pupil participation in online asynchronous interactive instructional programs conducted over the Internet. The teacher of an online course shall be online and accessible to the pupil on a daily basis to respond to pupil queries, assign tasks, and dispense information. The online course shall be approved by the governing board of the school district.

(b) At each participating schoolsite, the ratio of full-time equivalent certificated teachers teaching through online instruction to pupils engaging in that instruction shall be substantially equivalent to the ratio of teachers to pupils in traditional in-classroom study of the same subject matter.

(c) A teacher may teach pupils in one or more online courses pursuant to this section only if the teacher concurrently teaches the same course to pupils in a traditional in-classroom setting in the providing school district or did so within the immediately preceding two-year period. The subject matter content shall be the same for the online course as for the traditional in-classroom course.

(d) A teacher teaching in an online classroom program shall hold the appropriate subject matter credential.

(e) To operate an online course pursuant to this section a schoolsite shall apply to the State Department of Education which shall approve schoolsites on a first-come-first-served basis. No more than 40 schoolsites may operate an online course pursuant to this section. A school district may not have more than five schoolsites that operate an online course pursuant to this section. Each participating schoolsite may provide online courses to a total number of pupils not greater than 15 percent of the total enrollment of that schoolsite.

(f) A school district offering an online course may contract with another school district to provide the online course to pupils of the offering school district. Contract terms shall be determined by mutual agreement of the school districts. School districts that provide online courses pursuant to the contract shall contract directly with the school district of the schoolsite offering the online course and shall not enter into direct contracts with the pupils of the offering school district.

(g) Statewide testing results for online pupils shall be reported to the school district in which the pupil is enrolled for regular in-classroom courses.

(h) Only high schools are eligible to offer online instruction. A school district may apply for a waiver from the State Board of Education to allow a school that is not a high school to offer online course to its pupils, and the state board may grant the waiver.

(i) A pupil shall not be assigned to an online course, unless the pupil voluntarily elects to participate in the online course. The parent or guardian of the pupil shall provide written consent before the pupil may participate in an online course.

(j) The school district of a schoolsite that offers an online course, or contracts pursuant to subdivision (f) to provide an online course, shall develop and implement policies addressing all of the following factors:

(1) Test integrity.
(2) Evaluation of the online courses including a comparison with traditional in-classroom courses.
(3) A procedure for attaining informed consent from both the parent and pupil regarding course enrollment.
(4) The teacher selection process.
(5) Criteria regarding pupil priority for online courses.

(6) Equity and access in terms of hardware or computer laboratories.
(7) Teacher training for online teaching.
(8) Teacher evaluation procedures.
(9) Criteria for asynchronous learning including the type and frequency of the contact between pupil and teacher.
(10) Pupil computer skills necessary to take an online course.
(11) The provision of onsite support for online pupils.

(k) A school district of a schoolsite that offers online classroom programs pursuant to this section shall verify that online pupils take examinations by proctor or that other reliable methods are used to ensure test integrity and that there is a clear record of pupil work, using the same method of documentation and assessment as in a traditional in-classroom course.

(l) A school district of a schoolsite that offers online classroom programs pursuant to this section shall maintain records to verify the time that a pupil spends online and related activities in which a pupil is involved. The school district shall also maintain records verifying the time the instructor was online.

(m) If a pupil is participating part time in online instruction pursuant to this section, a day of attendance for apportionment purposes is 180 minutes of attendance in traditional in-classroom settings unless the pupil is participating in online instruction pursuant to subdivision (e) of Section 46300.

(n) As a condition of receipt of funds pursuant to this section, a school district shall, on an annual basis, submit the online classroom program information specified in subdivision (l) to the State Department of Education. The State Department of Education shall clearly describe in the application form the information required to be submitted pursuant to this subdivision. It is the intent of the Legislature that the costs of maintaining and submitting the required information be entirely borne by the participating school district from funds received pursuant to this section.

(o) The purposes of online classroom programs conducted pursuant to this section include all of the following:
(1) Providing expanded educational opportunities for pupils attending schools with limited educational offerings.
(2) Reaching out to pupils in schools where advanced placement courses are not available.
(3) Providing quality educational services in courses for hard-to-staff subject areas in schools where a shortage of teachers make these classes unavailable.
(4) Ensuring that courses provided over the Internet are at least as challenging as courses provided in a traditional educational setting.
(5) Ensuring high teacher quality for online classroom purposes.
(6) Ensuring pupil testing integrity for online classroom purposes.
(7) Ensuring accountability for the purposes of verifying the active involvement of all pupils participating in courses provided over the Internet.

(p) For each online class provided pursuant to this section, the governing board of a school district shall make findings of compliance with this section, including, but not limited to, the teacher credential requirement and shall report those findings to the department.

(q) Notwithstanding any other provision of law, this section does not apply to online courses offered through a program administered by or coordinated through a California public post-secondary educational institution.

(r) The Superintendent of Public Instruction shall convene a working group to assess the pilot project established pursuant to this section and the fiscal costs of offering instruction through online classroom programs.

(s) Commencing July 1, 2005, the Controller shall review the online programs operated pursuant to this section. These reviews shall include an examination of relevant program and fiscal records from all years of participation in the pilot program, including the 2003–04 fiscal year. It is the intent of the Legislature that the Controller give these reviews the highest priority.

(t) Notwithstanding any other provision of law, no provision of this section may be waived except as otherwise provided in this section.

(u) This section shall remain in effect only until January 1, 2007, and, as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

APPENDIX C

Florida 2003 Statute: Florida Virtual School 1002.37

Excerpted from Florida 2003 Statutes – Title XLVIII, K–20 Education Code. Chapter 1002, Student and Parental Rights and Educational Choices. Part III, Educational Choice. 1002.37, The Florida Virtual School (available at www.flsenate.gov/Statutes/index.cfm?StatuteYear=2003).

(1)(a) The Florida Virtual School is established for the development and delivery of on-line and distance learning education and shall be administratively housed within the Commissioner of Education's Office of Technology and Information Services. The Commissioner of Education shall monitor the school's performance and report its performance to the State Board of Education and the Legislature.

(b) The mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed. The school shall serve any student in the state who meets the profile for success in this educational delivery context and shall give priority to:

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

(c) To ensure students are informed of the opportunities offered by the Florida Virtual School, the commissioner shall provide the board of trustees of the Florida Virtual School access to the records of public school students in a format prescribed by the board of trustees.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

(2) The Florida Virtual School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms. The board of trustees shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida Virtual School. The board of trustees shall have the following powers and duties:

(a)1. The board of trustees shall meet at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

2. The fiscal year for the Florida Virtual School shall be the state fiscal year as provided in s. 216.011(1)(o).

(b) The board of trustees shall be responsible for the Florida Virtual School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program.

(c) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of trustees having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be considered internal funds as provided in s. 1011.07. Such funds shall be used to support the school's marketing and research and development activities in order to improve courseware and services to its students.

(d) The board of trustees shall be responsible for the administration and control of all local school funds derived from all activities or sources and shall prescribe the principles and procedures to be followed in administering these funds.

(e) The Florida Virtual School may accrue supplemental revenue from supplemental support organizations, which include, but are not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. The governing body of each supplemental support organization shall recommend the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures shall be contingent upon the review of the executive director. The executive director may override any proposed expenditure of the organization that would violate Florida law or breach sound educational management.

(f) In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida Virtual School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board of trustees for the Florida Virtual School as academic administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board of trustees personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be

deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida Virtual School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board of trustees deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual School shall be entitled to a contract as provided by rules of the board of trustees.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.

(g) The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).

(h) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students in courses offered by the Florida Virtual School.

(i) The board of trustees shall establish criteria defining the elements of an approved franchise. The board of trustees may enter into franchise agreements with Florida district school boards and may establish the terms and conditions governing such agreements. The board of trustees shall establish the performance and accountability measures and report the performance of each school district franchise to the Commissioner of Education.

(j) The board of trustees shall submit to the State Board of Education both forecasted and actual enrollments and credit completions for the Florida Virtual School, according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of public, private, and home education students served by program and by county of residence.

(k) The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 1002.22. Employee records shall be subject to the provisions of s. 1012.31.

(l) The financial records and accounts of the Florida Virtual School shall be maintained under the direction of the board of trustees and under rules adopted by the State Board of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

(3) Funding for the Florida Virtual School shall be provided as follows:

(a) A "full-time equivalent student" for the Florida Virtual School is one student who has successfully completed six credits that shall count toward the minimum number of credits required for high school graduation. A student who completes less than six credits shall be a fraction of a full-time equivalent student. Half-credit completions shall be included in determining a full-time equivalent student. Credit completed by a student in excess of the minimum required for that student for high school graduation is not eligible for funding.

(b) Full-time equivalent student credit completed through the Florida Virtual School, including credits completed during the summer, shall be reported to the Department of Education in the manner prescribed by the department and shall be funded through the Florida Education Finance Program.

(c) School districts may not limit student access to courses offered through the Florida Virtual School.

(d) Full-time equivalent student credit completion for courses offered through the Florida Virtual School shall be reported only by the Florida Virtual School. School districts shall report full-time equivalent student membership only for courses for which the district provides the instruction.

(e) The district cost differential as provided in s. 1011.62(2) shall be established as 1.000.

(f) The Florida Virtual School shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) by the value of 95 percent of the current year's taxable value for school purposes for the state; divide the result by the total full-time equivalent membership of the state; and multiply the result by the full-time equivalent membership of the school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act.

(g) The Florida Virtual School shall receive additional state funds as may be provided in the General Appropriations Act.

(h) In addition to the funds provided in the General Appropriations Act, the Florida Virtual School may receive other funds from grants and donations.

(4) School districts operating a virtual school that is an approved franchise of the Florida Virtual School may count full-time equivalent students, as provided in paragraph (3)(a), if such school has been certified as an approved franchise by the Commissioner of Education based on criteria established by the board of trustees pursuant to paragraph (2)(i).

(5) Under no circumstance may the credit of the state be pledged on behalf of the Florida Virtual School.

(6) The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School.

(b) The marketing and operational plan for the Florida Virtual School, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual School at the end of the fiscal year.

(d) A copy of an annual financial audit of the accounts and records of the Florida Virtual School, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) Recommendations regarding the unit cost of providing services to students. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School.

(7) The State Board of Education may adopt rules it deems necessary to implement reporting requirements for the Florida Virtual School.

APPENDIX D

Florida K–8 Virtual School Pilot

Excerpted from Florida Virtual School, Specific Appropriation 4D, Chapter 2003-397, Laws of Florida (www.firn.edu/doe/strategy/pdf/2003-397.pdf).

From the funds provided in Specific Appropriation 4D, the Department of Education shall provide for the creation of at least two pilot K–8 Virtual schools.

The pilot K–8 virtual schools shall be funded with grants of up to $4,800 per student with total enrollment not to exceed 1,000 students.

Eligibility is limited to students who were enrolled and in attendance at a Florida public school in the October and February FTE enrollment surveys during the prior school year.

Eligible pilot K–8 virtual schools shall be created as independent public schools that use on-line and distance learning technology in order to deliver instruction to full-time students in kindergarten and grades 1 through 8.

To be eligible to participate in the pilot program, a K–8 virtual school must:

1) conform all curriculum and course content to the Sunshine State Standards;

2) administer the Florida Comprehensive Assessment Test (FCAT) or, for those students in grades that are not required to take the FCAT, local assessments and the K–3 state-approved assessment for reading adopted by Just Read, Florida; and

3) employ on-line teachers who are certified in Florida.

APPENDIX E

Minnesota Legislation 124D.095: On-line Learning Option

Excerpted from Minnesota 2003 Statutes – Chapter 124D, Education Programs, 124D.095, On-line Learning Option (www.revisor.leg.state.mn.us/stats/124D/095.html)

Subdivision 1. **Citation**. This section may be cited as the "On-line Learning Option Act."

Subd. 2. **Definitions**. For purposes of this section, the following terms have the meanings given them.

(a) "On-line learning" is an interactive course or program that delivers instruction to a student by computer; is combined with other traditional delivery methods that include frequent student assessment and may include actual teacher contact time; and meets or exceeds state academic standards.

(b) "On-line learning provider" is a school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that provides on-line learning to students.

(c) "Student" is a Minnesota resident enrolled in a school under section 120A.22, subdivision 4, in kindergarten through grade 12.

(d) "On-line learning student" is a student enrolled in an on-line learning course or program delivered by an on-line provider under paragraph (b).

(e) "Enrolling district" means the school district or charter school in which a student is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may apply to an on-line learning provider to enroll in on-line learning. A student age 17 or younger must have the written consent of a parent or guardian to apply. No school district or charter school may prohibit a student from applying to enroll in on-line learning. An on-line learning provider that accepts a student under this section must, within ten days, notify the student and the enrolling district if the enrolling district is not the on-line learning provider. The notice must report the student's course or program and hours of instruction.

(b) An on-line learning student must notify the enrolling district at least 30 days before taking an on-line learning course or program if the enrolling district is not providing the on-line learning. An on-line learning provider must notify the commissioner that it is delivering on-line learning and report the number of on-line learning students it is accepting and the on-line learning courses and programs it is delivering.

(c) An on-line learning provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications.

(d) An enrolling district may reduce an on-line learning student's regular classroom instructional membership in proportion to the student's membership in on-line learning courses.

Subd. 4. **On-line learning parameters**. (a) An on-line learning student must receive academic credit for completing the requirements of an on-line learning course or program. Secondary credits granted to an on-line learning student must be counted toward the graduation and credit requirements of the enrolling district. The enrolling district must apply the same graduation requirements to all students, including on-line learning students, and must continue to provide nonacademic services to on-line learning students. If a student completes an on-line learning course or program that meets or exceeds a graduation standard or grade progression requirement at the enrolling district, that standard or requirement is met. The enrolling district must use the same criteria for accepting on-line learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. The enrolling district may reduce the teacher contact time of an on-line learning student in proportion to the number of on-line learning courses the student takes from an on-line learning provider that is not the enrolling district.

(b) An on-line learning student may:

(1) enroll during a single school year in a maximum of 12 semester-long courses or their equivalent delivered by an on-line learning provider or the enrolling district;

(2) complete course work at a grade level that is different from the student's current grade level; and

(3) enroll in additional courses with the on-line learning provider under a separate agreement that includes terms for payment of any tuition or course fees.

(c) A student with a disability may enroll in an on-line learning course or program if the student's IEP team determines that on-line learning is appropriate education for the student.

(d) An on-line learning student has the same access to the computer hardware and education software available in a school as all other students in the enrolling district. An on-line learning provider must assist an on-line learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for on-line learning purposes.

(e) An enrolling district may offer on-line learning to its enrolled students. Such on-line learning does not generate on-line learning funds under this section. An enrolling district that offers on-line learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving on-line learning from an enrolling district. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license.

(f) An on-line learning provider that is not the enrolling district is subject to the reporting requirements and review criteria under subdivision 7. A teacher with a Minnesota license must assemble and deliver instruction to on-line learning students. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license.

Unless the commissioner grants a waiver, a teacher providing on-line learning instruction must not instruct more than 40 students in any one on-line learning course or program.

Subd. 5. **Participation in extracurricular activities.** An on-line learning student may participate in the extracurricular activities of the enrolling district on the same basis as other enrolled students.

Subd. 6. **Information.** School districts and charter schools must make available information about on-line learning to all interested people.

Subd. 7. **Department of Education.** (a) The department must review and certify on-line learning providers. The on-line learning courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progression in a single subject. On-line learning providers must affirm to the commissioner that on-line learning courses have equivalent standards or instruction, curriculum, and assessment requirements as other courses offered to enrolled students. The on-line learning provider must also demonstrate expectations for actual teacher contact time or other student-to-teacher communication. Once an on-line learning provider is approved under this paragraph, all of its on-line learning course offerings are eligible for payment under this section unless a course is successfully challenged by an enrolling district or the department under paragraph (b).

(b) An enrolling district may challenge the validity of a course offered by an on-line learning provider. The department must review such challenges based on the certification procedures under paragraph (a). The department may initiate its own review of the validity of an on-line learning course offered by an on-line learning provider.

(c) The department may collect a fee not to exceed $250 for certifying on-line learning providers or $50 per course for reviewing a challenge by an enrolling district.

(d) The department must develop, publish, and maintain a list of approved on-line learning providers and on-line learning courses and programs that it has reviewed and certified.

Subd. 8. **Financial arrangements**. (a) For a student enrolled in an on-line learning course, the department must calculate average daily membership and make payments according to this subdivision.

(b) The initial on-line learning average daily membership equals 1/12 for each semester course or a proportionate amount for courses of different lengths. The adjusted on-line learning average daily membership equals the initial on-line learning average daily membership times .88.

(c) No on-line learning average daily membership shall be generated if: (1) the student does not complete the on-line learning course, or (2) the student is enrolled in on-line learning provided by the enrolling district and the student was enrolled in a Minnesota public school for the school year before the school year in which the student first enrolled in on-line learning.

(d) On-line learning average daily membership under this subdivision for a student currently enrolled in a Minnesota public school and who was enrolled in a Minnesota public school

for the school year before the school year in which the student first enrolled in on-line learning shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (ii), and for computing on-line learning aid according to section126C.24.

(e) On-line learning average daily membership under this subdivision for students not included in paragraph (c) or (d) shall be used only for computing average daily membership according to section 126C.05, subdivision 19, paragraph (a), clause (ii), and for computing payments under paragraphs (f) and (g).

(f) Subject to the limitations in this subdivision, the department must pay an on-line learning provider an amount equal to the product of the adjusted on-line learning average daily membership for students under paragraph (e) times the student grade level weighting under section 126C.05, subdivision 1, times the formula allowance.

(g) The department must pay each on-line learning provider 100 percent of the amount in paragraph (f) within 45 days of receiving final enrollment and course completion information each quarter or semester.

Subd. 9. **Payment priority.** (a) To the extent funds are available, the commissioner must pay an on-line learning provider according to subdivision 8, in the order in which an on-line learning provider notifies the commissioner under subdivision 3, paragraph (b), that it is delivering on-line learning. The on-line learning provider must submit to the commissioner any student information necessary to process payments under this section.

(b) Before paying other on-line learning providers under paragraph (a), the commissioner must pay providers that delivered on-line learning in fiscal year 2003. (1) First, the commissioner must pay for students who were enrolled in a Minnesota on-line learning program during fiscal year 2003 and continue to be enrolled in that on-line learning program during the current fiscal year. (2) Second, the commissioner must pay for other students enrolled in that on-line learning program during the current fiscal year. A provider's qualifying number of pupils under clauses (1) and (2) shall not exceed 100 percent of the fiscal year 2003 pupils. An on-line learning provider that qualifies under this paragraph may also submit an application for funding for additional pupils under paragraph (a).

(c) Notwithstanding paragraph (a), the commissioner may establish criteria to limit the increase in the number of qualifying pupils for an on-line learning provider to enable start-up or growth of other providers.

APPENDIX F

Ohio eCommunity School and eCourse Legislative Recommendations

Excerpted from Legislative Recommendations for the Operation of eCommunity Schools and eCourses Offered by Schools by the Office of Community Schools, Ohio Department of Education (www.ode.state.oh.us/community_schools/PDF/ecommunity_final_9_10_03.pdf).

(These recommendations have been submitted to the General Assembly as required (House Bill 364: Pursuant to H.B. 3 and section 3314.088), but the General Assembly as yet has not acted upon them.)

***From* Applications/Definitions (B, 1, L)**
"Full-time equivalent (FTE) student" means a student for whom the school has documentation of offering at least 920 hours of educational opportunities. Students for whom the school has documentation of offering less than 920 hours of educational opportunities will be given a proportionate amount of credit within a given fiscal year. Documentation of hours toward educational opportunities shall be maintained and provide evidence of student learning which include, but is not limited to, electronic logon data or a teacher or a supervising adult's log of student educational activities.

***From* Enrollment and Attendance Procedures**
(5) (a) The board of education or governing authority for an eCommunity School or public school offering eCourses, with regard to those eCourses, shall establish enrollment and withdrawal policies and procedures including, but not limited to, identifying the responsibilities of all parties. Enrollment and admission processes may include an agreement that the custodial parent will make a supervising adult available to a student, under the age of eighteen, during learning activities and to the teacher when the parent is not available. Withdrawal policies may include an agreement that loaned equipment and materials will be returned to the school.

(b) The eCommunity School is responsible for identifying the student's district of residence, and notifying the sending school and district of residence when a student is enrolled or withdrawn, and for requesting records in accordance with section 3313.672 of the Revised Code.

(c) The first day of enrollment shall begin when the educational environment of the eCommunity School or eCourse is ready to engage the student in active learning, which shall be evidenced by occurrence of all the following:

(i) Parents or supervising adults and students have been trained to utilize all materials and equipment necessary to participate in an eCommunity School or eCourse;

(ii) Equipment to ensure connectivity and materials necessary for a student to participate in an eCommunity School or an eCourse have been provided, installed and are operational; and

(iii) A student commences participation in online and offline learning opportunities being offered by the eCommunity School or a school providing eCourses, as supported by documentation.

(f) The board of education or governing authority for an eCommunity School shall adopt an attendance policy that includes, but is not limited to the following:

(i) A procedure for automatically withdrawing a student from the eCommunity School if the student, without a legitimate excuse, fails to participate in 105 consecutive hours of learning opportunities offered to the student; and

(ii) A procedure for withdrawing the student by the end of the thirtieth day after the student has failed to participate as required.

***From* (7) Educational Programs and Support**

(c) eCommunity Schools and schools offering eCourses, with regard to those eCourses, shall provide a clear definition of offline learning opportunities. Documentation of these learning opportunities shall be maintained by eCommunity Schools and by schools offering eCourses, with regard to those courses, and it shall include, but not be limited to, appropriate approvals by teachers, administrators, parents, and/or supervising adults, as well as methods of determining student engagement. These opportunities should be age and developmentally appropriate, and may include, but are not limited to, the following:

(i) Field or educational experiences not related to accessing the system; and

(ii) Learning opportunities that allow for self-directed, common, and individualized learning experiences.

(e) eCommunity Schools and schools offering eCourses, with regard to those eCourses, shall make accommodations necessary to permit students with disabilities to access technology based learning on the same basis as students without disabilities, and meet the requirements in the Americans with Disabilities Act, section 504 of the Rehabilitation Act of 1973, and chapter 3301-51 of the Administrative Code, and the Individuals with Disabilities Education Act and they shall implement, but not be limited to, the following:

(i) Make any accommodations necessary to permit students with disabilities access to technology based learning on the same basis as students without disabilities; and

(ii) Provide specifically designed instruction and related services for students with Individual Education Plans (IEPs), e.g., the use of adaptive technology, multifactored evaluation reports, and development and annual review of IEPs.

***From* (8) Assessment System**

An assessment system for eCommunity Schools and schools offering eCourses, with respect to those eCourses, shall align with the eCommunity School or eCourse curriculum and instruction. The assessment system shall be used to measure and monitor progress on meeting curricula and performance objectives to assist students, faculty and staff, including supervising adults, in planning and using resources; and to evaluate and improve student

performance. The assessment system shall meet or exceed applicable sections, including section 3302.02 of the Revised Code and, in the absence of state standards, may use national or international high quality benchmarks appropriate for all students. The assessment system shall:

(g) Administer the statewide assessments identified in section 3301.07.10 of the Revised Code to students enrolled in eCommunity Schools at a location approved by the board of education or governing authority.

***From* (9) Funding and Finance of an eCommunity School**
(a) For the eCommunity Schools or community schools offering eCourses, a full-time equivalent (FTE) student, or portion thereof, is a student who has actively participated in the educational program offered by an eCommunity School which has provided at least 920 hours (or equivalent portion) of learning opportunities in a given fiscal year as prescribed in section 3314.03 of the Revised Code.

(b) These hours include time spent online and offline and in other learning opportunities offered by the school to promote student achievement of performance standards. Hours of learning opportunities shall be documented (to allow ODE flexibility should procedures change) in accordance with procedures approved by the Ohio Department of Education.

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