

Framework for Virtual Schools in Other States

Colorado

The [Trujillo Commission](#), in response to a state audit, and a task force formed by the State Board of Education, suggested recommendations for legislators who had requested the audit and expressed concerns about the lack of oversight of full-time online programs. In response, the legislature passed Senate Bill 215 in May 2007, which made numerous changes to online education regulations. The key elements, among many details of the bill, are:

- A distinction between multi-district online programs and single district programs, while both types of programs must submit an annual report to the Colorado Department of Education (CDE), the multi-district online programs are subject to greater oversight because the authorizers of multi-district programs must be state certified as demonstrating capacity to run an online program.
- A requirement that all online programs report annually to the state.
- Another important provision of the law was the creation of a new division within CDE to facilitate certification of multi-district online programs. The Unit of Online Education began operations in October 2007 and was tasked with first addressing the statutory requirements of SB215, including the creation of new quality standards that are now a cornerstone of the rules for the online program accreditation process.

The law

<http://www.cde.state.co.us/onlinelearning/download/SB215.pdf>

Minnesota

The Omnibus K-12 Education Act of 2003 (amended in 2009) sets forth a number of policies directly affecting online education. It also directs the MDE to develop and maintain a list of approved online-learning providers and a list of courses and programs that it has reviewed and certified. This certification effort by the MDE is the overarching state-level policy activity, covering most online learning programs except district level programs that only offer online courses to students enrolled in the district's schools.

In 2009 the Online Learning Law (MN statute 124D.095) was amended to:

- Define an online course syllabus as a written • document available in a prescribed format that identifies the state academic standards embedded in an online course, the course content outline, required course assessments, expectations for actual teacher contact time and other student-to-teacher communications, and the academic support available to the online learning student.
- Require online learning providers of supplemental courses to make the online course syllabus available to the enrolling district for a 15-day review to determine whether the online course meets the enrolling district's graduation standards. If the enrolling district determines that the online course does not meet local standards, an explanation must be made available to the student, parent and online learning provider at which time the online provider can submit a response. The process for final determination of acceptance, and in particular which district

has final say, is not specified in the legislation and has not been determined as of August 2009.

- Require that the student and the student's parent must notify the online learning provider of the student's intent to enroll in online learning within ten days of being accepted, at which time the student and the student's parent must sign a statement indicating that they have reviewed the online course or program and understand the expectations of enrolling in online learning.
- Increase accountability of both the online provider and enrolling district by requiring the online provider to report or make available information on an individual student's progress and accumulated credit to the student, the student's parent, and the enrolling district in a specified manner unless the enrolling district and the online provider agree to a different form of notice and notify the commissioner.
- Require that the enrolling district designate a contact person to help facilitate and monitor the student's academic progress and accumulated credits towards graduation. There are no specifics in the legislation defining "contact person."
- Change the online learning provider approval process. Programs must give the commissioner written assurance that: (1) all courses meet state academic standards; and (2) the online learning curriculum, instruction, and assessment, expectations for actual teacher-contact time or other student-to-teacher communication, and academic support meet nationally recognized professional standards and are described as such in an online course syllabus that meets the commissioner's requirements.
- Reinstate the K-12 Online Learning Advisory Council for another three-year period (through 2013) to continue study of issues related to online learning. The law did not address the 2008 recommendations issued by the advisory council, which included creating an administrative online learning unit, assessing outcome-based measures in online programs, distinguishing between full-time and supplemental programs, and applying national standards to online programs and courses.

Quality assurance, teaching, and curriculum

- "Courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progressions in a single subject. Online courses must have equivalent standards or instruction, curriculum, and assessment as other [non-online] courses..."
 - The MDE certification process requires that providers list courses and assure their alignment with Minnesota state academic standards.
 - The legislation "requires that a [highly qualified] teacher with a Minnesota license be the person that assembles and delivers instruction to online learning students.... The instruction may include curriculum developed by persons other than a teacher with a Minnesota license."
 - The legislation states that "unless the commissioner grants a waiver, a teacher providing online learning instruction must not instruct more than 40 students in any one online learning course or program."
 - Actual teacher contact time or other similar communication, including frequent assessment, is an expected online learning component, and the online learning provider must "demonstrate expectations for actual teacher contact time or other student-to-teacher communication."
- The MDE requires that programs describe the methods and frequency of course interactivity, teacher contact, ongoing instructional assistance and assessment of student learning to comply with the law.

Ohio

As of August 2009, Ohio has 28 eCommunity (charter) schools; these include at least seven statewide schools. Six eCommunity schools have closed in the past year by mutual agreement with their sponsors. Ohio eCommunity schools served approximately 27,037 students in 2008-09, representing an approximate 12.6% increase from 2007-08.

Ohio also has a number of district programs in pockets across the state.

Ohio State policies:

- Funding

- Community schools, including eCommunity schools, receive state funds directly from the state; these funds have been transferred from school district allocations.¹⁷⁴ eCommunity schools are funded at the same formula per-pupil as traditional districts (\$5,718 for FY 2010).
- eCommunity schools are not eligible to receive poverty-based funding; however they do receive the same special education-based funding as all community schools.
- Since FY 2007, each eCommunity school has been required to spend a designated amount for pupil instruction or face a possible fine of up to 5% of state payments to the school. The 2009 budget bill revised the language in ORC3314.85(A) adding computers and software for students as eligible instruction expenses.

- Governance, tracking, and accountability

- Each student enrolled in an eCommunity school must have an “affiliation” with at least one “teacher of record” licensed by the State Board of Education. The “teacher of record is responsible for the overall academic development and achievement of a student and not merely the student’s instruction in a single subject.”
- No teacher of record can be responsible for more than 125 students.
- Each eCommunity school must provide a minimum of 920 hours of “learning opportunities” to students per school year. Only 10 hours in any 24-hour period can count toward this total.
- eCommunity schools can count student learning in terms of days instead of hours; in this case, a “day” must consist of at least five hours.
- Each child enrolled in an eCommunity 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.
- eCommunity schools may not provide a stipend in lieu of a computer; they must provide an actual computer.

- Quality assurance, teaching, and curriculum

- eCommunity schools must administer the state-developed achievement tests and diagnostic assessments in the same manner as school districts, and must provide students a location within 50 miles of the student’s residence for the assessments.
- Whenever an eCommunity school student fails to participate in the spring administration of a grade-level achievement test for two consecutive school years, the school must withdraw that student from enrollment unless the parent pays tuition equal to the state funds the school otherwise would receive for that student. eCommunity schools must report these students to the state, the state must maintain a list of these students, and no eCommunity school will receive funds for students appearing on this list.
- Each eCommunity school “must submit to its sponsor a plan for providing special education and related services to disabled students enrolled in the school.”

Report on community schools with info on the above

<http://www.ode.state.oh.us/GD/DocumentManagement/DocumentDownload.aspx?DocumentID=22703>

Oregon

Oregon passed a bill greatly restricting online charter schools in 2009. It places a two-year moratorium on the growth of existing schools by restricting them to the student counts enrolled on May 1, 2009. Schools are allowed to enroll students above the cap if 50% of the students in the online school are resident in the district in which the school is chartered. While this rule had existed previously, several online schools had either requested a waiver or had the rule waived due to having been in operation prior to the original rule's creation. (This provision had previously existed but some online schools had been exempt from this requirement. Oregon Revised Statute (ORS) 338.125, section 5 (2)(b) states that "if a public charter school offers any online courses as part of the curriculum of the school, then 50 percent or more of the students who attend the public charter school must reside in the school district in which the public charter school is located." This had applied to charters established after September 2, 2005. Oregon Administrative Rule (OAR) 581.020-0339 (6), adopted in 2008, added a waiver provision, and subsequently the Oregon State Board of Education granted a 2-year waiver from the 50% rule to the Oregon Virtual Academy (ORVA).)

The full-time online schools, particularly those operated by education management companies, are affected by the new law passed in 2009 and are responding in different ways. Both Oregon Connections Academy and Oregon Virtual Academy will continue to operate but will be capped at recent enrollment levels.

Pennsylvania

Local school districts provide funding for students enrolled in cyber charter schools based on a per-pupil cost (approximately 75% of the standard per-pupil cost). The state provides a reimbursement to the sending district of approximately 30% to cover the district's fixed costs.

Online charter schools in Pennsylvania are authorized by the PDE. The PDE has a system of cyber charter review in place, which may be partly a result of previous funding controversy surrounding these schools. Pennsylvania law requires that the home district of a student forward per-pupil funding allotments to the student's school of choice.

Regulations

http://www.portal.state.pa.us/portal/server.pt/community/purdon%27s_statutes/7503/charter_schools/507354

In 2001, school districts refused to pay student funds to the cyber charter schools and joined the Pennsylvania School Boards 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)116 was passed. The law designated the PDE as the authorizer of any new cyber charter school and of any renewing charter of an existing cyber school.

<http://www2.legis.state.pa.us/WU01/LI/BI/BT/2001/0/HB0004P4196.pdf>

As of August 2009, the funding controversy continues as legislation (HB940) aimed at reducing payments to cyber charter schools from school districts has been introduced (but not passed).

<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&ses sYr=2009&sessInd=0&billBody=H&billTyp=B&billNbr=0940&pn=1078>

News article

<http://www.ajc.com/news/virtual-schools-chart-new-187817.html>

Article from Atlanta's Journal Constitution (Atlanta's main newspaper)

Pennsylvania funds its virtual charter schools with state, local and federal dollars. State educators there, however, are pushing legislation to prevent education management companies from raking in profits. "Education management companies are building reserves based on the disparity in per pupil funding," said Mike Race, spokesman for the Pennsylvania education department. "If you get \$10,000 for one student and \$25,000 for another, they have the potential to make a profit. The district's argument has been that if you are making money off a student and the cost of educating them is the same, that extra money should be returned to the district that sent it to you."