



## **NATIONAL LEADERSHIP INSTITUTE'S TOOLKIT 2005 eLEARNING LEADERSHIP & POLICIES**

### **Step Three: Identifying the Existing Legislative Options Legislative Issues for eLearning**

The eLearning Leadership and Policies work group collectively agreed that “eLearning” encompasses many things and can look very different when put into practice in different states and locales. As a state leader, how do you take an eLearning idea and see it into the reality of a program? Some of the biggest challenges often exist in the legislative process that an eLearning program must endure as it seeks to come to fruition. Thus, one subgroup sought to identify the various forms eLearning legislation and policies can take within these different locations. This group focused on identifying a detailed list of the different kinds of eLearning policies and legislation currently in place in different states. Participants broke down the language and nature of these policies by the issues involved so as to provide state leaders with an easy reference guide of tangible examples when working to create legislation in their respective states.

Group participants deemed the areas of legislative issues listed as essential for consideration when states initiate online learning programs. Acknowledging that a wide array of idiosyncratic factors and specific needs affect the legislative choices of each state, the group purposefully did not make recommendations for preference of particular policies. Rather, a range of policies are listed within each legislative issue.

The range includes policies with very limiting language, that apply tight controls on different aspects of virtual learning programs, to more flexible policy language that allows for a great deal more leverage in eLearning course provision, with some policies removing restrictions and requirements of traditional instruction. This tool will serve to provide a framework for state directors as they address online learning legislation. One of the next steps that is critical for this framework is to identify current state examples and models for each of these policy options.

Key eLearning Legislative Issues With a Range of Different Potential Policy Options	State Legislative Model, where included
--	---

**I Logistical Issues**

➤ **Demographics of Students Served**

<ul style="list-style-type: none"> <li>• Public schools students only               <ul style="list-style-type: none"> <li>○ Grade levels</li> <li>○ Types of diploma</li> <li>○ Subject areas/Curriculum</li> <li>○ Credit recovery</li> </ul> </li> </ul>	Maryland <a href="#">[Please link to word document attached]</a>
<ul style="list-style-type: none"> <li>• Home school students</li> </ul>	Michigan ( <a href="http://www.legislature.mi.gov/mileg.asp?page=getObject&amp;objName=mcl-380-1481&amp;queryid=7419997&amp;highlight=virtual%20high%20school">http://www.legislature.mi.gov/mileg.asp?page=getObject&amp;objName=mcl-380-1481&amp;queryid=7419997&amp;highlight=virtual%20high%20school</a> )
<ul style="list-style-type: none"> <li>• Private schools within the state</li> </ul>	Michigan ( <a href="http://www.legislature.mi.gov/mileg.asp?page=getObject&amp;objName=mcl-380-1481&amp;queryid=7419997&amp;highlight=virtual%20high%20school">http://www.legislature.mi.gov/mileg.asp?page=getObject&amp;objName=mcl-380-1481&amp;queryid=7419997&amp;highlight=virtual%20high%20school</a> )
<ul style="list-style-type: none"> <li>• Out-of-state</li> </ul>	

➤ **Priorities for Student Enrollment**

<ul style="list-style-type: none"> <li>• Courses needed for credit recovery</li> </ul>	
<ul style="list-style-type: none"> <li>• Rural schools that do not have teachers available for specific courses</li> </ul>	
<ul style="list-style-type: none"> <li>• Special Education students</li> </ul>	

<ul style="list-style-type: none"> <li>Students at-risk of dropping out of school</li> </ul>	Nevada ( <a href="http://www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm">www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm</a> )
<ul style="list-style-type: none"> <li>Advanced courses that are not available at the school</li> </ul>	Nevada ( <a href="http://www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm">www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm</a> )
<ul style="list-style-type: none"> <li>Physical or mental condition that would prevent student from attending traditional school</li> </ul>	Nevada ( <a href="http://www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm">www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm</a> )
<ul style="list-style-type: none"> <li>Students prohibited from attending traditional school</li> </ul>	Nevada ( <a href="http://www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm">www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm</a> )
<ul style="list-style-type: none"> <li>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</li> </ul>	Florida ( <a href="http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37">http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37</a> )

➤ **Class size**

<ul style="list-style-type: none"> <li>Class definitions limited to a stipulated maximum of students.</li> </ul>	Minnesota <sup>1</sup> ( <a href="http://www.revisor.leg.state.mn.us/stats/124D/095.html">http://www.revisor.leg.state.mn.us/stats/124D/095.html</a> )
<ul style="list-style-type: none"> <li>Teacher should have no more than a stipulated maximum number of students in an on-line course than a teacher in a traditional setting can have per day under state policy</li> </ul>	Arkansas

➤ **Seat time**

<ul style="list-style-type: none"> <li>Same seat time requirements for online and traditional courses</li> </ul>	Texas ( <a href="http://www.capitol.state.tx.us/tlo/77R/billtext/SB00975F.HTM">http://www.capitol.state.tx.us/tlo/77R/billtext/SB00975F.HTM</a> ), Nebraska
--	---

<sup>1</sup> The maximum student-teacher ratio in Minnesota is 40:1.

<ul style="list-style-type: none"> <li>• Release of seat time for on-line courses; rather, state requires other policies for quality assurance</li> </ul>	Utah ( <a href="http://www.ehs.uen.org">www.ehs.uen.org</a> )
<ul style="list-style-type: none"> <li>• Full time equivalent (FTE) defined as successful course completion rather than seat time</li> </ul>	Florida ( <a href="http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37">http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37</a> )

➤ **Teacher Qualifications/Certification/Support**

<ul style="list-style-type: none"> <li>• State requires that anyone delivering on-line instruction has to be certified in the resident state.</li> </ul>	Alabama, Colorado ( <a href="http://www.col.k12.co.us">www.col.k12.co.us</a> ), Florida ( <a href="http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37">http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37</a> ), Kansas, Nebraska, North Dakota,
<ul style="list-style-type: none"> <li>• State requires that anyone delivering on-line instruction must be deemed “highly qualified” according resident state stipulations.</li> </ul>	Utah ( <a href="http://www.ehs.uen.org">www.ehs.uen.org</a> )
<ul style="list-style-type: none"> <li>• State has reciprocal agreements with other states in which they recognize the other’s certification requirements</li> </ul>	
<ul style="list-style-type: none"> <li>• State can approve the program/provider with appropriate credentials in place of approving the specific teacher</li> </ul>	Arkansas
<ul style="list-style-type: none"> <li>• State makes available additional endorsement/certification for instructional delivery</li> </ul>	
<ul style="list-style-type: none"> <li>• State requires training of on-line teachers for instructional delivery</li> </ul>	Alabama, Kansas

## II Quality Assurance Issues

### ➤ Content and Instructional Design Approval

• No approval process by the state for on-line courses	
• Virtual courses follow the same procedures of approval as traditional courses	Arkansas, North Dakota
• Districts approve courses	Alaska <sup>2</sup>
• State approval required for courses necessary for graduation.	Alabama
• State approval required for all on-line courses	Arizona ( <a href="http://www.ade.az.gov/stateboard/tapbi.asp">www.ade.az.gov/stateboard/tapbi.asp</a> ; <a href="http://www.ade.az.gov/technology/StateStatuteondl.pdf">www.ade.az.gov/technology/StateStatuteondl.pdf</a> ), Nevada ( <a href="http://www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm">www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm</a> )
• Acceptance of national and international standards (i.e. Advanced Placement (AP) and International Baccalaureate (IB))	

### ➤ Student Support

• Technology Infrastructure - Student has access to needed technology and connectivity	
○ Definition or standards for required technology capacity	
○ Agreement required of schools that they provide minimum equipment, software, and connectivity	Ohio ( <a href="http://www.legislature.state.oh.us/bills.cfm?ID=125_HB_3">www.legislature.state.oh.us/bills.cfm?ID=125_HB_3</a> , <a href="http://www.legislature.state.oh.us/BillText125/125_HB_95_EN_N.html">www.legislature.state.oh.us/BillText125/125_HB_95_EN_N.html</a> , <a href="http://www.legislature.state.oh.us/bills.cfm?ID=125_HB_364">www.legislature.state.oh.us/bills.cfm?ID=125_HB_364</a> )

<sup>2</sup> Legislation in Alaska for e-Learning efforts falls under Correspondence Schools. Any district wishing to operate a statewide program must complete an application each year.

<sup>3</sup> As a result of Student FIRST legislation, schools received both additional computers to bring the student-computer ratio to 8:1 and online learning opportunities.

○ Funding model includes the needed equipment and connectivity	Arizona <sup>3</sup> ( <a href="http://www.ade.az.gov/stateboard/tapbi.asp">www.ade.az.gov/stateboard/tapbi.asp</a> ; <a href="http://www.ade.az.gov/technology/StateStatuteondl.pdf">www.ade.az.gov/technology/StateStatuteondl.pdf</a> )
○ The responsibility of the student and parent to provide technology and connectivity	
● Agreement required of schools using online courses that they provide technical support	
● Agreement required of schools using online courses that they provide an on-site facilitator	
● Training required for facilitator	
● No separate policies for technology and connectivity provision	

➤ **Accountability for Student Achievement**

● All students participating in the program have to meet state academic achievement standards	Arizona ( <a href="http://www.ade.az.gov/stateboard/tapbi.asp">www.ade.az.gov/stateboard/tapbi.asp</a> ; <a href="http://www.ade.az.gov/technology/StateStatuteondl.pdf">www.ade.az.gov/technology/StateStatuteondl.pdf</a> )
● Definition of outcome measurers	
● Monitoring	
● Motivational	
● No separate policies	

➤ **Funding**

● Define the virtual school as a school with the ability to earn Full time equivalent (FTE) dollars	Florida ( <a href="http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37">http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37</a> )
● Per-pupil public revenue follows the student	Arizona ( <a href="http://www.ade.az.gov/stateboard/tapbi.asp">www.ade.az.gov/stateboard/tapbi.asp</a> ; <a href="http://www.ade.az.gov/technology/StateStatuteondl.pdf">www.ade.az.gov/technology/StateStatuteondl.pdf</a> )
● Tuition agreement between school and provider.	North Dakota

<ul style="list-style-type: none"> <li>Written agreement established between districts or charter schools before inter-district or charter enrollment of students when funding follows the student</li> </ul>	Nevada ( <a href="http://www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm">www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm</a> )
<ul style="list-style-type: none"> <li>Full time equivalent (FTE) and funds received upon successful course completion instead of enrollment</li> </ul>	Florida ( <a href="http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37">http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37</a> )
<ul style="list-style-type: none"> <li>General fund line item for the additional cost of on-line delivery. Traditionally smaller amount than the FTE total cost with the school still receiving the full FTE for the student. (Arkansas) (The North Carolina General Assembly appropriates funds for distance learning to guide the eLearning efforts.)</li> </ul>	Arkansas, North Carolina <sup>4</sup>

➤ **Cyber Charter Schools**

<ul style="list-style-type: none"> <li>Cyber charter schools are funded at a more favorable rate than other public schools, based on average daily attendance and a specific formula.</li> </ul>	Idaho
<ul style="list-style-type: none"> <li>State allows cyber charter schools</li> </ul>	Colorado ( <a href="http://www.col.k12.co.us">www.col.k12.co.us</a> ), Kansas, Pennsylvania
<ul style="list-style-type: none"> <li>State is responsible for accreditation of cyber charter schools</li> </ul>	Colorado ( <a href="http://www.col.k12.co.us">www.col.k12.co.us</a> )
<ul style="list-style-type: none"> <li>State prohibits cyber charter schools</li> </ul>	Illinois, North Dakota

➤ **Equity and Access**

<ul style="list-style-type: none"> <li>Students can take on-line courses <i>only if</i> they are not available through their school (or district or state) in the traditional manner.</li> </ul>	Alabama, Nevada ( <a href="http://www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm">www.doe.nv.gov/admin/super/distance_ed/distance_ed_page.htm</a> )
<ul style="list-style-type: none"> <li>A limited number of courses per student can be taken on-line.</li> </ul>	

<sup>4</sup> The General Assembly appropriates funds for distance learning to guide the eLearning efforts.

<ul style="list-style-type: none"> <li>• Every student including students with disabilities (ADA and 508 compliance) has the opportunity to take an on-line course.</li> </ul>	
<ul style="list-style-type: none"> <li>• School districts may not limit student access to courses offered through a state virtual school program</li> </ul>	Florida <a href="http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37">http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37</a>
<ul style="list-style-type: none"> <li>• No school district or charter school may prohibit a student from applying to enroll in on-line learning</li> </ul>	Minnesota ( <a href="http://www.revisor.leg.state.mn.us/stats/124D/095.html">http://www.revisor.leg.state.mn.us/stats/124D/095.html</a> )
<ul style="list-style-type: none"> <li>• Virtual school listed as an option for parents under school choice</li> </ul>	Florida <a href="http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37">http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&amp;Search_String=&amp;URL=Ch1002/SEC37.HTM&amp;Title=-&gt;2002-&gt;Ch1002-&gt;Section%2037#1002.37</a>