



COURSE ACCESS

Model Policy

ExcelinEd Policy Toolkit - 2018

SUMMARY

The Course Access Program created by this Act would allow students in public schools, including public charter schools, to enroll in online, blended, and face-to-face courses, and would allow a portion of funding generated by that student to flow to the course provider. This Act creates an authorization and monitoring process for providers and identifies provider and course eligibility criteria. This Act requires course providers and the State Department of Education to regularly report on the key measurements of student success and enrollment. This Act also allows the State Department of Education to consider an arrangement with other states that would simplify the review process for providers already approved in other states.

MODEL POLICY – COURSE ACCESS PROGRAM ACT

Section 1. {Title}

(A) This Act shall be named the “Course Access Program Act.”

Section 2. {Definitions}

(A) As used in this Act:

(1) “State Course Access program” shall mean the program created by this Act.

(2) “State Course Access catalog” shall mean the website developed for the State Department of Education that provides a listing of all courses authorized and available to students in the state, detailed information about the courses to inform student enrollment decisions, and the ability for students to submit their course enrollments. The data in this catalog shall be published online in an open format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications. An open format is one that is platform independent, machine readable, and made available to the public without restrictions that would impede the re-use of that information. The data in the catalog would be owned by the Department.

(3) “Course provider” shall mean an entity authorized by the State Department of Education to offer individual courses in person, online, or a combination of the two, including but not limited to online education providers, public or private elementary and secondary education institutions, education service agencies,¹ private for profit or not for profit providers, postsecondary education institutions, and vocational or technical course providers.

(4) “Department” shall mean the State Department of Education.

(5) “Eligible participating student” shall mean any K-12 student who resides in [State].

(6) “Eligible funded student” means any eligible participating student who is currently enrolled in a public school, including a public charter school.²

¹ Some states may refer to these entities as regional service centers, intermediate units, or by other names to provide services to school districts across a region.

² This definition could be expanded to include students in other choice or scholarship programs as eligible funded students.



(7) "LEA" means:

- (a) A school district organized and existing pursuant to law;
- (b) A board of cooperative services or intermediate school district;
- (c) A publicly funded agency established by the state for the express purpose of authorizing charter schools;
- (d) A public charter school authorized pursuant to state statutes; or
- (e) Other local education agency in the State that has administrative control of public education.

Section 3. {Enrollment}

(A) An eligible participating student may enroll in state course access program courses.

(B) An eligible funded student may enroll in state course access program courses that are funded by the program up to the following levels,³ unless additional courses are approved by the school where they are enrolled:

- (1) Year 1 - Students entering the school year with credits equal to junior or senior level of high school may take up to two courses per semester;
- (2) Year 2 - Students entering the school year with credits equal to sophomore, junior, or senior level of high school may take up to two courses per semester;
- (3) Year 3 - Students in grades 9 through 12 may take up to two courses per semester; and
- (4) Year 4 and beyond - Students may take up to two courses per semester.

(C) The families of eligible funded students and other eligible participating students may pay to enroll in state course access program courses above the levels specified in Section 3(B).

(D) LEAs where eligible funded students are enrolled full time may review enrollment requests to ensure courses are academically appropriate, logistically feasible, keep the student on track for an on-time graduation, and do not extend a student beyond a full time course load. The LEA may only reject enrollment requests for those reasons.

(E) LEAs shall inform students and families of their right to appeal any enrollment denials in state course access program courses to the Department, which shall provide a final enrollment decision within 7 calendar days.

Section 4. {Provider Authorization Process}

(A) The Department shall:

- (1) Establish an authorization process for course providers that includes multiple opportunities for submission each year;

³ The eligibility in Section 3(B) is one potential strategy a state could use to phase in the Course Access program to allow districts an opportunity to prepare for student enrollments and the Department an opportunity to scale up approval and monitoring processes.



- (2) Not later than 90 calendar days from initial submission date, authorize course providers that:
 - (a) Meet the criteria established under Section 5; and
 - (b) Provide courses which offer the instructional rigor and scope required under Section 5.
- (4) Not later than 90 calendar days from initial submission date, provide a written explanation to any course providers that are denied.
- (B) If a course provider is denied authorization, the provider may re-apply in the future.
- (C) The Department shall publish the process established under Section 4, including any deadlines and any guidelines applicable to the submission and authorization process for providers.
- (D) If the Department determines that there are insufficient funds available for evaluating and authorizing course providers, the Department may charge applicant providers a fee up to but no greater than the amount of the costs in order to ensure that evaluation occurs. The Department shall establish and publish a fee schedule for purposes of this subsection.

Section 5. {Course Provider Criteria}

- (A) To be authorized to offer a course through the State Course Access Program, a provider must:
 - (1) Comply with all applicable anti-discrimination provisions as well as applicable state and federal student data privacy provisions such as the Family Educational Rights and Privacy Act (FERPA);
 - (2) Provide an assurance that all online information and resources for online or blended courses are fully accessible for students of all abilities, including that:
 - (a) All of the courses submitted for approval are reviewed to ensure they meet legal accessibility standards;
 - (b) The provider has created and promulgated an Accessibility Online Learning Policy;
 - (c) The provider has designated a 504 Coordinator, a Grievance Policy, and annual notifications;
 - (d) The provider has policies and activities to ensure their organizational and course websites meet accessibility requirements; and
 - (e) The provider has no gateway exam or test where a specific score is required to participate in Course Access program courses beyond completion of prerequisite coursework or demonstrated mastery of prerequisite material.
 - (3) Demonstrate either:
 - (a) Prior evidence of delivering quality outcomes for students as demonstrated by completion rates, student level growth, proficiency, or other quantifiable outcomes; or
 - (b) For course providers applying to offer a subject or grade level for the first time, provide a detailed justification, in a manner determined by the Department of Education, of how their organization's subject matter, instructional, and/or technical expertise will lead to successful outcomes for students;



(4) Ensure instructional and curricular quality through a detailed curriculum and student performance accountability plan that aligns with, and measures student attainment of, relevant state academic standards or other relevant standards in courses without state academic standards;

(5) Provide assurances that the course provider shall electronically provide, in a manner and format determined by the State Department of Education, a detailed student record of enrollment, performance, completion, and grading information with the school systems where eligible participating students are enrolled full time.

(B) Additional criteria developed by the Department shall be used to evaluate providers, and could include International Association for K-12 Online Learning (INACOL) National Standards for Quality Online Teaching and INACOL National Standards for Quality Online Courses, Southern Regional Education Board (SREB), AdvancED, or other nationally recognized third party quality standards.

Section 6. {Course Quality Reviews}

(A) The Department shall establish a course review and approval process. The process may be implemented by the Department or by an entity designated by the Department.⁴

(B) In order to be approved and added to the State Course Access catalog, a course must:

(1) Be, at a minimum, the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting;

(2) Be aligned to relevant state academic standards or industry standards; and

(3) Possess an assessment component for determining student proficiency, as well as student growth where applicable.

(4) Be designed and implemented consistently with criteria established by the International Association for K-12 Online Learning (INACOL) National Standards for Quality Online Teaching and INACOL National Standards for Quality Online Courses, Southern Regional Education Board (SREB), AdvancED, or other nationally recognized third party quality standards.

(C) The Department may negotiate changes in the proposal to offer a course, if the Department determines that changes are necessary in order to authorize the course.

Section 7. {Provider and Course Monitoring and Reauthorization}

(A) The initial authorization of the course provider and approved courses shall be for a period of three years.

(B) Providers must annually report, in such a manner as directed by the Department:

(1) Student enrollment data;

⁴ This review of courses could be done in conjunction with the course provider authorization process detailed in Section 4, or the Department could review courses only after a provider is approved.



(2) Student outcomes, growth measures when available, proficiency rates, and completion rates for each subject area and grade level; and

(3) Student and parental feedback on overall satisfaction and quality, including availability of support from teachers, and their comments.

(C) After the second year of the initial authorization period, the Department shall conduct a thorough review of the course provider's activities and the academic performance of the students enrolled in courses offered by the course provider.

(D) If the performance of the students enrolled in courses offered by the course provider does not meet agreed upon performance standards, the course provider shall be placed on probation and will be required to submit a plan for improvement. The Department will determine the terms of the probation and if the course provider has met the specified results necessary to return to good standing. If a course provider on probation fails to return to good standing within the timeframe of their probation, the Department may revoke their status as an approved course provider.

(E) After the initial three-year authorization period, the Department may reauthorize the course provider for additional periods of not less than three years after thorough review of the course provider's activities and the achievement of students enrolled in courses offered by the course provider.

(F) The Department may exclude a course provided by an authorized provider at any time if the Department determines that:

(1) The course is no longer adequately aligned with the State academic standards;

(2) The course no longer provides a detailed and quality curriculum and accountability plan; or

(3) The course fails to deliver outcomes as measured by course completion or student outcomes and performance on state or nationally accepted assessments.

Section 8. {Interstate Course Reciprocity}

(A) The Department may enter into a reciprocity agreement with other states for the purpose of authorizing and approving high quality providers and courses for the State Course Access program and the operation of the State Course Access catalog.

Section 9. {Responsibilities of the State Department of Education}

(A) The Department shall:

(1) Publish the criteria required by Section 5 for courses that may be offered through the State Course Access Program;

(2) Be responsible for creating the State Course Access catalog;

(a) The Department may enter into an agreement with other states or organizations to develop and/or operate one or more aspects of the State Course Access catalog and State Course Access program;



(3) Publish a link to the State Course Access catalog in a prominent location on the Department's website, which includes a listing of courses offered by authorized providers available through the State Course Access program, a detailed description of the courses, and any available student completion and outcome data; and

(4) Establish and publish a timeframe or specific dates by which students are able to withdraw from a course provided through the State Course Access program without the student, LEA, or course provider incurring a penalty.

(B) The Department shall maintain on its official website in a prominent location an "informed choice" report. Each report under this section must:

(1) Be updated within 30 calendar days of additional provider authorizations;

(2) Describe each course offered through the State Course Access Program and include information such as course requirements and the school year calendar for the course, including any options for continued participation outside of the standard school year calendar;

(3) Include student and parental comments and feedback as detailed under Section 7; and

(4) Be published online in an open format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications.

(a) An open format is one that is platform independent, machine readable, and made available to the public without restrictions that would impede the re-use of that information.

(D) The Department shall submit an annual report on the State Course Access Program and the participation of entities to the Governor, the chair and ranking member of the Education Committee of the Senate and the chair and ranking member of the Education Committee of the House of Representatives. The report shall at a minimum include the following information:⁵

(1) The annual number of unique students participating in courses authorized under this article and the total number of courses students are enrolled in;

(2) The number of authorized providers;

(3) The number of authorized courses and the number of students enrolled in each course;

(4) The number of courses available by subject and grade level;

(5) The number of students enrolled in courses by subject and grade level; and

(6) Student outcome data, including completion rates, student learning gains, student performance on state or nationally accepted assessments, by subject and grade level by provider. This outcome data should be published in a manner that protects student privacy.

(7) The Department shall note any data that is not yet available at the time of publication and when it will become available, and include that data in future reports.

⁵ States should consider whether other state laws affect the Department's ability to collect the information listed here. This section could be modified to require the reporting of different information, or an exception to other applicable laws could permit the collection and reporting of certain data.



(E) The report and underlying data shall be published online in an open format that can be retrieved, downloaded, indexed, and searched by commonly used web search applications.

(1) An open format is one that is platform independent, machine readable, and made available to the public without restrictions that would impede the re-use of that information.

Section 9. {Responsibilities of the Local School District}

(A) A school district or charter school shall:

(1) Notify students and parents as part of any course enrollment period or process of the availability of state course access program courses in correspondence that is written in simple and accurate language;

(2) Provide information by letter or email to students and parents at home and by at least two other means, such as community flyers, newspaper postings, on student report cards, or other methods;

(3) Publish information and eligibility guidelines on the school and school district's web sites.

(B) Each local school system shall establish policies and procedures whereby, for each eligible participating student as identified in Section 3, the following shall apply:

(1) Credits earned through the course provider shall appear on each student's official transcript and count fully towards the requirements of any approved [state] diploma.

(2) Coordinate with course providers to ensure that required state assessments are administered to each such student attending a public school.

(C) The performance data of students who are enrolled in a course pursuant to this Part and in accordance with Subsection A of this Section shall be counted in the school performance score for the school in which the student is enrolled full time.

(D) The Department shall adopt rules necessary to implement this Part, including but not limited to the requirements of school governing authorities or local school systems whose students enroll in courses offered by authorized course providers.

(E) Nothing in this article shall be construed to prevent a school entity from establishing its own online course or program in accordance with this act.

Section 10. {Funding}

(A) Per-course tuition shall be determined as follows:

(1) The course provider shall receive per-course tuition for each eligible funded student at a fair and reasonable rate negotiated by the Department and the course provider that is inclusive of all required course materials. Determinations of course prices may take into account prices for similar levels of service in other jurisdictions. Transfers of course payments shall be made by the Department on behalf of the responsible school district in which the student resides to the authorized course provider.



(2) The course provider shall receive payment from the Department only for the courses in which an eligible funded student is enrolled. The remaining funds for each student shall remain with the local school system in which the student is enrolled full time.

(3) The course provider shall accept the amount specified in Paragraph (A)(1) of this Section as total tuition and fees for the eligible funded student.

(4) The course provider may charge tuition to any eligible participating student up to an amount determined by the course provider and Department.

(B) Payment of tuition to course providers shall be based upon student success and made as follows:

(1) [Number] percent of the amount of tuition to be paid or transferred to the course provider shall be transferred upon student enrollment in a course and [number] percent shall be dependent upon student success in the course.

(a) Student success may initially be measured based on course completion, but the Department shall create new measures of student success by Year 3 for use in courses where externally validated measures are available.⁶ These measures of student outcomes, based on either proficiency or growth, shall include results from independent end of course exams, Advanced Placement exams, receipt of industry recognized credentials, receipt of credit from institutions of higher education, or other externally validated measures.

(2) Partial payments for delayed completions shall be determined as follows:

(a) If a student does not successfully complete a course according to the published course length in which the course provider has received the first payment pursuant to Paragraph (1) of this Subsection (B), the provider shall receive [number] percent of the tuition that is dependent upon student success as defined in Paragraph (1) of this Subsection (B) only if the student completes and receives credit for the course within one additional semester. At that point, remaining tuition shall be returned to the LEA where a student is enrolled full time.

⁶ The payment based on student success could be subdivided into a portion calculated based on course completion and a portion based on student performance on externally validated measures. An example course tuition breakdown could be: 50% at enrollment, 30% based on course completion, and 20% based on student performance on an externally validated assessment.