

## **K-12 ONLINE EDUCATION COMMISSION RECOMMENDATIONS**

March 21, 2014

On January 30, 2014, Sen. Andy Kerr (D-Lakewood), Sen. Ellen Roberts (R-Durango), Rep. Dave Young (D-Greeley), and Rep. Jim Wilson (R-Salida) announced that they had tasked a group of experts with providing recommendations to improve the quality of online K-12 education in Colorado. The charge for the commission was to “improve the quality of education for all students in Colorado who use online learning as part or all of their access to learning.” In order for potential changes to be considered for the 2014 General Assembly session, the legislators requested that the commission submit recommendations by March 21, 2014.

K-12 Online Education Commission members consisted of:

- Elizabeth Davis, Principal, Colorado Calvert Academy
- Ben DeGrow, Senior Education Policy Analyst, Independence Institute
- Dale McCall, Executive Director, Colorado BOCES Association
- Kim McClelland, iConnect Zone Leader/Zone Superintendent, Falcon 49 School District & Executive Director, Colorado Digital BOCES
- Dan Morris, Executive Director and Director of Professional Development, eNetColorado
- Judith Stokes, Assistant Superintendent, Branson District RE-82
- Rick Tanski, Principal, Academy Online High School, Academy District 20

The seven-week time frame required that the commission meet in-person frequently while also utilizing a variety of platforms to work on issues between meetings.

Recognizing that K-12 online education stakeholders had a tremendous amount of input for their work, the commission solicited contributions from students, parents, teachers, online program administrators, and policymakers in two public forums. Public input and feedback was also encouraged by maintaining a website that included an online feedback form.

At the first public meeting, which primarily included feedback and input from parents, students, teachers, and administrators of online schools, the commission asked for input pertaining to what online education issues should be explored, given the charge by the legislators. A wide universe of potential issues were presented and collected. For the purposes of the second public meeting, which consisted primarily of education policy advocates, the commission specifically asked for suggestions and solutions to a series of problem statements that had been developed on specific issues. The problem statement document is in Appendix A.

The commission also considered recent reports about K-12 online education. A number of Colorado-specific reports pertaining to K-12 online education in Colorado were reviewed as were several national reports. A list of reports that were considered can be found in Appendix C.



The commission pursued its work with the thought that it was important to establish an accountability and support system that promotes access to learning experiences that support the learning styles and needs of all students in public schools. The commission used the following four questions to help provide a framework in order to determine a priority of issues to address:

- Is it a short-term or long-term issue?
- Is it germane to K-12 online students or all students?
- Does it affect the quality of education for K-12 online students?
- Is it a statutory change or CDE rule/policy focus?

The two issues that the commission did not address directly with recommendations were student accountability for all K-12 students and drop-in centers.

**Drop-In Centers:** There is a communication problem between school districts, online school authorizers, and online schools relating to the establishment of drop-in centers. The potential benefits and concerns of drop-in centers as well as the ramification of drop-in centers being opened in small districts needs to be explored.

**Accountability:** The current accountability system is an unrealistic and incomplete indicator of student and school performance. Accountability, especially as indicated on the School Performance Framework, is not valued equally by all those who have a part of the framework. Buy-in and impacts linked to accountability measures are limited for students and parents yet have high stakes for virtual and traditional schools and teachers. The commission sees an opportunity to establish an accountability and support system that promotes access to learning experiences that support the learning styles and needs of all students in public schools.

These issues are not recommended for legislative action in the 2014 General Assembly session because they can be addressed through the creation of pilot programs with diverse stakeholder input.

The prevalence of difficult issues requiring more time and voices led to the commission's recommendation of creating pilot programs, which are discussed in greater detail below in Recommendation #5. Online issues do not exist in a silo outside the scope of Colorado's K-12 education system, nor do issues exist in their own silos. The practices and policies included in the pilot program should explore course-level, proportional, and competency-based funding; expansion of student accountability measures; improvement of student count measures; and an increase of student success and performance through tiered interventions as well as the structure and support to ensure student performance when they choose an online delivery method for their education. A pilot program will allow the education system to test and evaluate several policies that have great potential to improve the quality of education for all students.

The following recommendations are intended for potential action during the 2014 legislative session.

## RECOMMENDATIONS

### **Recommendation #1** – Amend the definition of “on-line program” and “on-line school.”

The current interpretation of “primarily through the use of internet” in the statutory definitions – CRS 22-30.7-102 (9) & (9.5) – does not allow for continual changes in the modality of student learning; where a student’s learning takes place; time and methods of instruction that demonstrate attendance; or diverse educational pathways. All schools want to implement delivery models that better cater to specific needs of students and increase student achievement. As both in-building and online schools adapt to meet student needs through different delivery models such as face-to-face, full-time online, part-time online, blended, and other models, the current online program and online school definitions unnecessarily limit the ability of authorizers and schools to implement these delivery models and to receive funding for those models.

The commission recommends the following amended definitions of “on-line program” and “on-line school”:

CRS § 22-30.7-102(9) “On-line program” means a full-time, ~~on-line~~ education program authorized pursuant to this article that delivers a sequential program of synchronous or asynchronous instruction ~~from a teacher to a student primarily through the use of the internet~~ THAT LEVERAGES DIGITAL LEARNING STRATEGIES WHERE STUDENTS ARE OFFERED CHOICE AND CONTROL OVER TIME, PLACE, PACE, PATH, AND/OR MODALITY. “On-line program” does not include a supplemental program. Accountability for each student in an on-line program is attributed back to a designated school that houses the on-line program. Notwithstanding any other provision of this subsection (9) to the contrary, any on-line program with one hundred or more students shall be considered an on-line school and not an on-line program.

CRS § 22-30.7-102(9.5) “On-line school” means a full-time, ~~on-line~~ education school authorized pursuant to this article that delivers a sequential program of synchronous or asynchronous instruction ~~from a teacher to a student primarily through the use of the internet~~ THAT LEVERAGES DIGITAL LEARNING STRATEGIES WHERE STUDENTS ARE OFFERED CHOICE AND CONTROL OVER TIME, PLACE, PACE, PATH, AND/OR MODALITY. An on-line school has an assigned school code and operates with its own administrator, a separate budget, and a complete instructional program. An on-line school is responsible for fulfilling all reporting requirements and will be held to state and federally mandated accountability processes.

The definitions of an on-line program and on-line school would also need to be changed in the “Rules for the Administration, Certification, and Oversight of Colorado Online Programs” at 1 CCR 301-71-2.09 and 1 CCR 301-71-2.10.



**Recommendation #2** – The statute and rule pertaining to online attendance and participation needs to be amended to encompass the variety of educational activities approved by the authorizer and utilized by students participating in an online delivery method.

Multi-district online schools are held to a different standard than brick-and-mortar schools when counting their students for the October count day. Rulemaking that interpreted the statute for online attendance resulted in a narrow band of valid documentation that fails to account for the dynamically changing delivery of online education. The current rule of the Colorado Department of Education (1 CCR 301-71-8.01) requires that the only documentation valid for student count in an online school must occur through the student management system. The evolution of technology has caused the best management practices for delivery of an online education to change dramatically since the rules were adopted. As a result, the rules no longer reflect the multi-faceted ways that education leverages digital learning strategies.

The commission recognizes that Colorado is considering a switch to an Average Daily Membership (ADM) model. If the ADM model becomes law, authorizers and schools need to take an active role in the subsequent rulemaking and implementation to ensure equity and consistency. However, even if an ADM model is enacted, the proposals do not call for full implementation for several years. During the interim, a more accurate and streamlined method for counting students in an online school is needed through statutory change and subsequent rulemaking.

The commission recommends amending compulsory attendance requirements through participation in the on-line program or on-line school:

CRS § 22-30.7-105(2)(a) A student who is participating in an on-line program or on-line school shall be subject to compulsory school attendance as provided in article 33 of this title and shall be deemed to comply with the compulsory attendance requirements through participation in the on-line program or on-line school. ATTENDANCE AND PARTICIPATION TRACKING PROCEDURES ARE DOCUMENTED THROUGH EDUCATIONAL ACTIVITIES DEEMED APPROPRIATE BY THE AUTHORIZER, WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, ASSESSMENT, ORIENTATION, AND INDUCTION ACTIVITIES, FACE-TO-FACE-EDUCATIONAL INSTRUCTION, AND/OR ANY SYNCHRONOUS/ASYNCHRONOUS INTERNET-BASED EDUCATIONAL ACTIVITY.

Subsequent rulemaking will be required the “Rules for the Administration, Certification, and Oversight of Colorado Online Programs” at 1 CCR 301-71-8 in order to reflect the new standardized process for documenting students enrolled in an online program/school.



**Recommendation #3** – The timeframe to transfer student records including but not limited to performance, attendance, and assessment data needs to be decreased from 30 days to 14 days.

The commission acknowledges that the transfer of student data is an issue pertinent to the entire Colorado K-12 education system. Student academic records for all of Colorado’s K-12 students, specifically transcripts and assessment scores, are not accessible in a timely fashion for the receiving instructional team to establish an appropriate instructional plan prior to the start of school. Improving the quality of education delivered to a student requires pertinent student performance, attendance, learning plans, and assessment data. Waiting a month or longer for the data represents a missed opportunity to deliver a timely and relevant education to the student.

However, the commission recognizes that protecting student data is of paramount importance. It also recognizes that proprietary database systems used in Colorado’s various educational systems may result in significant hurdles in the transference of data. But the current statute requiring that the data be transferred within 30 days is representative of an era that required printing copies, stuffing them in a manila envelope, and mailing it. Using technology readily available today, the student performance, attendance, and assessment data can be transferred instantaneously after approval of the proper safeguards. There needs to be an enforcement mechanism for schools that fail to transfer student data in the statutorily-required time that is neither onerous to CDE nor requires additional employees.

The commission recommends amending the time frame for transferring student records including performance, attendance, and assessment data from 30 days to 14 days:

CRS § 22-30.7-105(4)(b)(I) If a student enrolled in a school within a school district transfers to an on-line program or on-line school, the school district shall transmit, VIA ELECTRONIC RECORDS TRANSFER IF AVAILABLE, to the on-line program or on-line school COMPLETE STUDENT RECORDS, INCLUDING all performance, attendance, LEARNING PLANS, and assessment data concerning the student within ~~thirty~~ FOURTEEN days after the school district receives notice from the on-line program or on-line school that the student has enrolled in the on-line program or on-line school.

CRS § 22-30.7-105(4)(b)(II) If a student enrolled in an on-line program or on-line school transfers to a school within a school district, the on-line program or on-line school shall transmit, VIA ELECTRONIC RECORDS TRANSFER IF AVAILABLE, to the school COMPLETE STUDENT RECORDS, INCLUDING all performance, attendance, LEARNING PLANS, and assessment data concerning the student within ~~thirty~~ FOURTEEN days after the on-line program or on-line school receives notice from the school district that the student has enrolled in the school.



**Recommendation #4** – The State Board of Education (SBE), based on recommendations from the Colorado Department of Education (CDE), should certify multi-district online authorizers instead of multi-district online schools. In order to certify multi-district online authorizers, CDE needs to convene a stakeholder group to develop and submit to SBE for approval quality practices and standards for multi-district online authorizers.

CDE focuses on certifying multi-district online schools, instead of addressing quality at the authorizer level. The certification role for CDE is more appropriate at the authorizer level, not the school level. By statute a school district, a group of two or more school districts, a board of cooperative services (BOCES) and the state charter school institute (CSI) are authorized to create or oversee multi-district online schools. Since these entities are authorizing multi-district online schools, the current certification process for multi-district online schools is an unnecessary redundancy. However, there is a distinctive need for creating standards for multi-district online authorizers.

CDE lacks well-defined, promulgated, and published standards for quality online authorizers. Similar to how the State Board of Education promulgated standards for charter school authorizers, a similar process needs to occur for multi-district online authorizers.

The commission recommends repealing all statutes and rules pertaining to certification of multi-district online schools, reenacting statute that requires SBE to certify multi-district online authorizers based on CDE recommendations, and convening a stakeholder group to develop and submit to the State Board of Education quality practices and standards for multi-district online authorizers:

Because of the repeal and reenactment aspect of this recommendation, the commission recognizes that the Office of Legislative Legal Services is the appropriate entity to accomplish this task. Therefore, the commission is providing a list of components that need to be included in statute to provide the framework for SBE to certify multi-district online authorizers based on CDE recommendations and to create quality standards for multi-district authorizers.

Certification of multi-district online authorizers requires, at a minimum:

- SBE shall certify multi-district authorizers – a school district, a group of two or more school districts, a BOCES, and CSI – according to established practices and standards for quality authorizers.
- CDE shall convene a stakeholder group that includes practitioners to develop, and submit to SBE for approval, quality standards for multi-district online authorizers.
  - SBE shall promulgate rules for certification and recertification of authorizers.
    - The state board shall not approve the certification of an authorizer of multi-district on-line schools until the state board has promulgated rules for such certification pursuant to this section.



- Current authorizers of multi-district online schools must apply for certification within five years.
- Five years after the initial certification as an authorizer of multi-district on-line schools, the authorizer must apply for recertification as an authorizer.
- The SBE shall promulgate rules for an expedited determination of “good standing” recertification of an existing authorizer.
  - The SBE shall create an expedited procedure for the recertification of an authorizer of multi-district on-line schools that is in good standing.
  - Current online authorizers may apply for the expedited “good standing” process.
- The SBE shall promulgate rules determining the status of a current online school whose authorizer does not receive certification.

Upon promulgation of rules for the certification of multi-district authorizers, repeal of SBE’s authority to certify multi-district on-line schools.

**Recommendation #5** – The commission recommends that the Colorado General Assembly require the Colorado Department of Education to convene a stakeholder group including practitioners to assist in the establishment and implementation of pilot programs. CDE working with the stakeholder group will identify and select topics, establish request for proposals for educational providers to determine the selected pilot programs, years of study, parameters, and evaluation methods. Interim progress reports on the pilot programs will be provided to the Joint Education Committees and the State Board of Education.

Colorado’s K-12 education community, with its experience with online delivery methods, is uniquely positioned to pilot several education policies that have been proposed but not implemented in Colorado. The goals of the pilot programs are to foster partnerships among the state’s educational providers and to provide solutions and data points for innovative education policies and practices that could be replicated and scaled. The commission realizes that a stakeholder group convened by CDE must consist of a diverse stakeholder group with expertise in a wide range of education practices and policies.

The commission recommends that the Colorado General Assembly directs CDE to convene a stakeholder group to establish pilot programs that enact education practices and policies not yet implemented in Colorado.

**Create a CDE-convened stakeholder group**

- The commission recommends that the Colorado General Assembly direct the Colorado Department of Education to convene a stakeholder group including practitioners to establish pilot programs that enact education practices and policies not yet implemented in Colorado.



### **Objective**

- By the assigned date, the stakeholder group will have completed its work addressing requirements for pilot programs that may include, but are not limited to:
  - Course-level, proportional, & competency-based funding
  - Expand student accountability measures
  - Improved student count measures
  - Improve student success and performance through tiered interventions
  - Determine the student requirements and responsibilities associated with success in online education

The objectives of the pilot programs are to explore some opportunities that have the potential to address problems in the current system. As such, they require more elaboration than a simple bulleted list, which is done in Appendix B.

### **Timeframe of the work**

- Stakeholder group appointed by July 1, 2014
- CDE and the stakeholder group will have completed its work to establish pilot programs, including the RFP, on or before October 15, 2014.
- Pilot programs operational no later than the 2015-2016 school year.

### **Membership**

Membership on the stakeholder group, appointed by the commissioner of education, will consist of no more than 13 members with successful experience in one or more of the following areas/positions:

- Charter school online authorizer
- District or BOCES online authorizer
- Two school administrators with a range of experience, including online
- Two representatives from a school district or charter that focus on finance, accountability, and student count
- A representative experienced in education policy analysis
- Two CDE staff members that specialize in school finance/audit, accountability, and online/blended schools
- One member from the current commission
- Two parents of a student with 3 or more successive years of experience in a full-time digital learning environment
- Two representatives from rural schools with experience in the support of a digital learning environment.



## APPENDIX A – PROBLEM STATEMENTS

Potential Issues & Problem Statements  
February 27, 2014

**The charge for the Commission is to “improve the quality of education for all students in Colorado who use online learning as part or all of their access to learning.”** The commission sees an opportunity to establish an accountability and support system that promotes access to learning experiences that support the learning styles and needs of all students in public schools.

The following problems can be addressed immediately during the 2014 General Assembly session to serve that purpose.

## Problem Statements

• **Definition**

- The current interpretation of “primarily through the use of internet” in the statutory definition – CRS 22-30.7-102 (9) & (9.5) – does not allow for continual changes in the modality of student learning; where a student’s learning takes place; time and methods of instruction that demonstrate attendance; or diverse educational pathways.
  - As both in-building and online schools adapt to meet student needs through different delivery models such as face-to-face, full-time online, part-time online, blended, and others, the current definition unnecessarily limits the ability of authorizers (schools) to implement these delivery models and to receive funding for those models.

**Authorizer Quality and Capacity**

- CDE focuses on certifying multi-district online schools, instead of addressing quality at the authorizer level.
  - CRS 22-30.7-103(2)(a) &(3)(b)
- Colorado Department of Education lacks well-defined, promulgated, and published standards for quality online authorizers.
  - A lack of oversight of multi-district authorizers enables some schools to switch to authorizers who may not have the capacity to support online schools.

• **Student Data**

- Student academic records for all of Colorado’s K-12 students, specifically transcripts and assessment scores, are not accessible in a timely fashion for the receiving instructional team to establish an appropriate instructional plan prior to start of school.
  - Currently 30 days. CRS 22-30.7-105(4)(b)(i) & (ii)
  - Concern is that even the 30 days required by statute is not being followed

- **Student Count and Funding**
  - Multi-district online schools are held to a different standard than brick-and-mortar schools when counting their students for the October count day. 1 CCR 301-71-8
    - Recognizing that Colorado is considering a switch to an Average Daily Membership regime, online authorizers and schools need to take an active role in rulemaking and/or implementation to ensure equity and consistency.
  - Students lack equitable access to a comprehensive range of quality courses because the per pupil revenue (PPR) can only be split in half among different local education agencies, which discourages cross-district partnerships and limits student flexibility that could help advance student learning.
    - The current funding and accountability measures do not foster these types of partnerships.

When issuing their charge, the legislators also stated that “there are a number of policy issues that could be addressed by the commission. We believe that the commission members, with their accumulated expertise in K-12 online education, need to set the agenda.” The following problems also need to be addressed as part of an ongoing effort to enhance flexibility and expand student access to quality online learning opportunities.

**As such, the following issues are not recommended for legislative action in the 2014 General Assembly session because they require more study and conversation among stakeholders.**

- **Drop-In Centers**
  - There is a communication problem between school districts, online school authorizers, and online schools relating to the establishment of drop-in centers.
    - The potential benefits and concerns of drop-in centers as well as the ramification of a drop-in center place in small districts needs to be explored.
- **Accountability**
  - The current accountability system is an unrealistic and incomplete indicator of student and school performance.
    - Accountability, especially as indicated on the School Performance Framework, is not valued equally by all those who have a part of the framework. Buy-in and impacts linked to accountability measures are limited for students yet have high stakes for virtual and traditional schools and teachers.



## APPENDIX B - PILOT PROGRAMS OBJECTIVES

### *Course-level, proportional & competency-based funding*

The stakeholder group should explore how to implement course-level, proportional, and competency-based funding for schools. There are several educational systems currently exploring these concepts that can be utilized as relevant examples. In these models, students are able to earn recognized course credit for taking a number of digital courses from a choice of providers outside the school or district where they are enrolled. This model creates a system where schools can explore course-level, proportional, and competency-based models and move away from a seat time requirements.

### *Expand student accountability measures*

The current accountability system in Colorado is heavily based on singular assessments, and it has a misalignment of incentives and consequences for schools, teachers, students, and parents. Multiple data points beyond state assessments can and should be used to determine accountability. The use of objective, verifiable, and multiple measures of student achievement as indicators of school quality is absolutely necessary, but a comprehensive accountability measure requires multiple data points. Some educational providers in Colorado have begun to use school-specific composite accountability measures that could be used for further study in the pilot program(s) that may provide schools with in-depth analysis and explanation of academic, financial, and organizational performance outcomes for the purpose of demonstrating repeatable results in multiple settings.

### *Improved student count measures*

For all schools, but particularly for online and blended learning, any student count model needs to de-emphasize seat time. A step toward a competency-based system could be achieved by implementing a count process based on participation in the form of work completion rather than seat time. A pilot program would provide an opportunity to study the details of a participation-based count no matter what student count model is used in Colorado.

### *Raising student success and performance through tiered interventions*

Explore how students can be supported through the use of tiered interventions. In order to serve students, online schools in partnership with parents need to initiate interventions and practices to support the individual students based on a well-integrated system that is matched to students' academic, social-emotional, and behavioral needs.

### *Determine the student requirements and responsibilities associated with success in online education*

Online education is an excellent choice for many, but not all, of Colorado's students. The transition to an online education may be difficult, misunderstood, or not the appropriate educational path for the student. In order to serve these students and ensure their success, student, parents, and online schools all need to understand and accept their requirements and responsibilities.

## APPENDIX C – REPORTS USED BY THE K-12 ONLINE EDUCATION COMMISSION

- Bruce D. Baker and Justin Bathon. 2013. *Financing Online Education and Virtual Schooling*.
- Justin Bathon and Bruce D. Baker. 2013. *School Finance 2.0: Financing for a Virtual World*.
- Pam Benigno and Ben DeGrow. 2012. *The Future of Colorado Digital Learning: Crafting a Policy Roadmap for Reform*.
- Buechner Institute of Government. 2012. *A Study of Online Learning: Perspectives of Online Learners and Educators*.
- Dick Carpenter, Krista Kafer, Kelley Reeser, Sheryl Shafer. 2011. *Summary Report of the Operations and Activities of Online Programs in Colorado*.
- Colorado Department of Education. 2010. *Understanding Mobility Rates in Colorado Multi-District Online Schools*.
- Ben DeGrow. 2012. *Online Course-Level Funding: Toward Colorado Self-Blended Secondary Learning Options*.
- Education Commission of the States. 2014. *What State Policymakers Need to Know about Funding Virtual Charter Schools*.
- Amanda Heiney, Dianne Lefly, and Amy Anderson. 2012. *Characteristics of Colorado's Online Students*.
- Alex Molnar. 2014. *Virtual School in the U.S. 2014: Politics, Performance, Policy, and Research Evidence*.
- Amy Murin and John Watson. 2012. *Blended Learning in Rural Colorado: Status and Strategies for Expansion*.
- Greg Richmond. 2014. *Illinois State Charter School Commission: Virtual Schooling Report and Recommendations*.
- John Watson and Amy Murin. 2013. *Digital Learning in Colorado: Opportunities and Recommendations*.
- John Watson, Amy Murin, Lauren Vashaw, Butch Gemin, Chris Rapp. 2013. *Keeping Pace with K-12 Online & Blended Learning*.