

Regular Session, 2013

HOUSE BILL NO. 584

BY REPRESENTATIVE SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS: Provides relative to standards for virtual schools

1 AN ACT

2 To enact Chapter 45 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of

3 R.S. 17:4051 through 4056, relative to virtual schools; to require the State Board of

4 Elementary and Secondary Education to adopt rules and regulations establishing

5 standards for virtual schools and supplemental online instruction; to require virtual

6 schools to submit performance data reports and financial audits to the State Board

7 of Elementary and Secondary Education; to provide relative to qualifications and

8 benefits for teachers and employees in virtual schools; to require virtual schools to

9 comply with all state laws applicable to local public schools; to provide for the

10 approval and oversight of supplemental online instruction by local public school

11 boards; to require students enrolled in virtual schools and supplemental online

12 instruction programs to take the state-mandated assessments; and to provide for

13 related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Chapter 45 of Title 17 of the Louisiana Revised Statutes of 1950,

16 comprised of R.S. 17:4051 through 4056 is hereby enacted to read as follows:

17 CHAPTER 45. VIRTUAL SCHOOLS

18 §4051. Rules and regulations; standards; virtual schools; supplemental online

19 instruction

20 The State Board of Elementary and Secondary Education shall adopt rules

21 and regulations in accordance with the Administrative Procedure Act establishing the

1 standards for virtual schools and supplemental online instruction. The rules and  
2 regulations shall include but not be limited to the establishment of quality standards  
3 in the following areas:

4 (1) Students:

5 (a) Internet security.

6 (b) Student academic performance and improvement.

7 (c) Monitoring and assessment of student academic performance and  
8 improvement.

9 (d) Course completion measurements.

10 (e) Attendance tracking procedures.

11 (f) Student discipline procedures, including policies regarding expulsion and  
12 suspension.

13 (g) Data analysis, management, and reporting.

14 (h) Guidance counseling.

15 (i) Participation guidelines for extracurricular activities.

16 (j) Engagement of parents and communities in online programs.

17 (k) Provisions for students with special needs, including gifted and talented  
18 students and English language learners.

19 (l) Training in how to use the hardware and software associated with the  
20 online program.

21 (2) Teachers:

22 (a) The required amount of teacher participation in the instructional program  
23 for each course.

24 (b) The qualifications of mentor teachers.

25 (c) The required elements of a program in online instruction necessary to  
26 become a qualified teacher in a virtual school as prescribed in R.S. 17:4054.

27 (d) The required amount of professional development annually required of  
28 online instructors in technology-based instructional design.

1           (e) The elements of an alternative certification program for teachers certified  
2           in other states, territories, or the District of Columbia of the United States.

3           (f) The qualifications required of noncertified personnel involved in any  
4           assessment of student work.

5           (3) Programs:

6           (a) An online program's governance, vision, and organization.

7           (b) Standards-based curricula and data-driven instructional practices.

8           (c) Technology capacity and support.

9           (d) Sound financial and accounting practices and resources.

10          (e) Program evaluation and improvement.

11          (f) Details of the annual review process.

12          (g) Approval of public and private contractors with public school districts  
13          for supplemental online instruction.

14          (h) Approved private and public proctor options.

15          (i) Appeal procedures for probationary status and contract termination  
16          determinations.

17          (j) Professional development support mechanisms.

18          §4052. Annual performance report

19           A. The governing authority of each virtual school annually shall submit to  
20           the State Board of Elementary and Secondary Education a complete and detailed  
21           performance report including all of the following:

22           (1) The student achievement levels and growth on all academic standards as  
23           measured by the state assessment model approved by the State Board of Elementary  
24           and Secondary Education.

25           (2) Average student daily attendance as measured by participation in the  
26           instructional program.

27           (3) Graduation rates, as applicable.

28           (4) Enrollment of special needs students and students who are English  
29           language learners.

1           (5) Academic activities and programs designed to serve diverse students.

2           (6) The academic and disciplinary policies in effect for the previous year,  
3           including a copy of the student handbook.

4           (7) All student disciplinary incidents and punishments, aggregated by  
5           student, and the response of the school to each including all incidents of cheating or  
6           plagiarism.

7           (8) The utilization of specific learning management and delivery tools.

8           (9) The teacher evaluation plan in effect.

9           (10) The name and certification status of all instructional staff, including the  
10           state of residence of all instructional staff.

11           (11) The name and state of residence of all noncertified personnel including  
12           any personnel involved in the assessment of student work.

13           B. The virtual school shall comply with all reporting and data submission  
14           requirements required of city, parish, and other local public schools.

15           C. Except for the information required in Paragraph (A)(7) of this Section,  
16           the annual performance report shall be subject to the Public Records law in  
17           accordance with R.S. 44:1 et seq., and be available to the public.

18           §4053. Independent financial audits

19           A. Each virtual school shall submit independent financial audits to the State  
20           Board of Elementary and Secondary Education in accordance with this Section.

21           (1) The audits shall:

22           (a) Be conducted annually for the first five years of operation of the virtual  
23           school.

24           (b) Beginning with the fifth year of operation, be conducted every two years.

25           (c) Be conducted by an independent certified public accountant in  
26           accordance with the rules adopted by the state auditor.

27           (d) Not be administered by any audit provider who has a conflict of interest.

28           (2) The audit shall include but not be limited to a detailed account of the  
29           following:

- 1           (a) All revenue and expenses, both instructional and noninstructional.
- 2           (b) All contracts with outside entities.
- 3           (c) All courses provided in the period under review, including the following:
- 4           (i) The name of the teacher of record and any other instructional personnel.
- 5           (ii) The number of students enrolled.
- 6           (iii) The average daily attendance of each course as measured by student
- 7 participation in the instructional program.
- 8           (iv) Methodology used for measuring and recording average daily attendance
- 9 of students.
- 10          (v) The state funding reimbursement generated by each course.
- 11          (d) The assets and liabilities of the virtual school at the end of the fiscal year.
- 12          (e) All donations, grants, and other income received by the virtual school and
- 13 its governing authority during the fiscal year.
- 14          (f) Any other financial information commonly reported in accordance with
- 15 the rules adopted by the state auditor.
- 16          B. The State Board of Elementary and Secondary Education shall use the
- 17 financial audits from all probationary and approved providers in determining the
- 18 annual funding reimbursement rate for providers.
- 19          C. The financial audits shall be subject to the Public Records Law in
- 20 accordance with R.S. 44:1 et seq., and be available to the public.
- 21 §4054. Teachers; qualifications; benefits
- 22          A. Each teacher in a virtual school responsible for student instruction shall
- 23 meet all of the following criteria:
- 24           (1) Hold a valid teaching certificate issued by the state Department of
- 25 Education, including teachers who gained certification through alternative routes.
- 26           (2) Hold a content specialization for each subject taught.
- 27           (3) Provide documentation to verify the completion of a state-approved
- 28 program providing knowledge and skills in online instruction.
- 29          B. Each teacher in a virtual school shall:

1           (1) Be subject to evaluation in the same manner as provided for public  
2           school teachers in R.S. 17:3881 through 3905.

3           (2) Be subject to termination in the same manner as provided for public  
4           school teachers in R.S. 17:441 through 445.

5           (3) Be provided terms and conditions of employment the same as other  
6           public school teachers including but not limited to those related to tenure or due  
7           process protections, leaves of absence, sabbaticals, remuneration, and collective  
8           bargaining.

9           (4) Be provided employee benefits including but not limited to health  
10          insurance coverage.

11           C. Each virtual school shall:

12           (1) Conduct a criminal background check on all employees.

13           (2) Provide each member of the instructional staff with a contract detailing  
14           his salary, benefits, and all other conditions of employment and responsibilities  
15           including responsibilities regarding online instruction and digital tools.

16           (3) Maintain a confidential personnel record on each employee.

17           (4) Provide annual professional development to all employees including  
18           professional development on the use of virtual education technology.

19           (5) Provide an experienced mentor teacher, with online instruction expertise,  
20           for the first year of instruction of each member of the instructional.

21           (6) Comply with all other state laws applicable to city, parish, and other local  
22           public schools.

23           §4055. Supplemental online instruction; accreditation; approval

24           A. The State Board of Elementary and Secondary Education shall include  
25           supplemental online instruction options offered by local education providers in  
26           school and district accreditation decisions including but not limited to the  
27           accreditation decisions made by regional accreditation providers.

1           B. The approval and oversight of supplemental online instruction shall be the  
2           responsibility of the city, parish, or other local public school board, which shall  
3           ensure the following:

4                   (1) The curriculum and assessments comply with state content standards.

5                   (2) Instructional personnel meet the qualification criteria provided in R.S.  
6           17:4054.

7                   (3) Appropriate disciplinary procedures, including student due process  
8           protections, are followed.

9                   (4) Students are provided instruction on the use of the technology tools.

10                  (5) Students are provided the school's policies on cheating and plagiarism  
11           prior to beginning the coursework.

12                  (6) Final examinations are administered in a proctored environment.

13                  (7) Any public or private entity contracted with for instructional purposes  
14           shall meet all criteria provided in this Section and also shall meet the criteria for  
15           approved virtual schools as established by the State Board of Elementary and  
16           Secondary Education.

17           §4056. Integrity of student learning and assessment

18                   Students in virtual learning environments shall be held to the same standards  
19           as students in traditional classroom environments with regard to the prohibitions on  
20           cheating and plagiarism. To ensure that students are learning and appropriately  
21           demonstrating their knowledge, each virtual school and supplemental online  
22           instruction program shall ensure that:

23                   (1) The compulsory attendance requirements as provided in R.S. 17:221 are  
24           met by each student.

25                   (2) For every credit-bearing course, each student shall take the final  
26           examination or at least one exam or assignment in a proctored environment.

27                   (3) Students participating in the state assessments pursuant to the Louisiana  
28           Educational Assessment Program or the school and district accountability system  
29           shall take the examination with their peers in their local school district. The virtual

1 school shall notify local school districts no later than October first of participating  
2 students within those districts' attendance boundaries and the level at which the  
3 students are to be assessed. Each city, parish, or other local public school board shall  
4 ensure that virtual education students are permitted to take the assessments with their  
5 traditional classroom peers.

6 (4) For every credit-bearing course, students are provided multiple,  
7 synchronous learning opportunities with their teachers in which the students are  
8 required to participate and share their knowledge.

9 (5) Each student is provided with a policy prohibiting cheating and  
10 plagiarism for each course.

11 (6) Each student is provided instruction on avoiding cheating and plagiarism  
12 prior to enrolling in a course in each academic year.

13 (7) Each instance of identified cheating or plagiarism is disciplined in  
14 accordance with appropriate due process procedures and reported to the State Board  
15 of Elementary and Secondary Education in accordance with R.S. 17:4052(A)(7).

16 Section 2. This Act shall become effective upon signature by the governor or, if not  
17 signed by the governor, upon expiration of the time for bills to become law without signature  
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
20 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Smith

HB No. 584

**Abstract:** Provides standards for virtual schools and supplemental online instruction.

Proposed law provides relative to standards for virtual schools and supplemental online instruction as follows:

#### Standards

Requires the State Board of Elementary and Secondary Education (BESE) to adopt rules and regulations establishing the standards for virtual schools and supplemental online instruction.



Provides that the rules and regulations shall include but not be limited to the establishment of quality standards in specified areas for students, teachers, and programs.

#### Reporting

Requires each virtual school governing authority annually to report certain performance data to BESE. Requires that the report include student academic achievement levels and growth, average student daily attendance, graduation rates, teacher evaluation plans, certification status of all instructional staff, and other specified information. Provides that the reports shall be subject to the Public Records Law. Requires virtual schools to comply with all reporting and data submission requirements required of city, parish, and other local public schools.

#### Audits

Requires each virtual school to submit an independent financial audit to BESE. Provides time lines for such submission and provides for information to be included in the audits such as all revenue and expenses, all contracts with outside entities, the state funding reimbursement generated by each course, the assets and liabilities of the virtual school, and other specified information. Provides that the audits shall be subject to the Public Records Law.

#### Teachers

Requires teachers to meet specified criteria including holding a valid teaching certificate and holding a content specialization for each subject taught. Provides that teachers shall be subject to evaluation and termination in the same manner as provided for public school teachers in present law. Further provides that teachers be given employee benefits including but not limited to health insurance coverage.

#### Supplemental online instruction

Requires BESE to include supplemental online instruction options offered by local education providers in school and district accreditation decisions. Provides that the approval and oversight of supplemental online instruction shall be the responsibility of the city, parish, or other local public school board. Requires local boards to ensure that certain conditions are met including that the curriculum and assessments comply with state content standards, instructional personnel meet the qualification criteria, and exams are administered in a proctored environment.

#### Other requirements

Provides that students in virtual learning environments shall be held to the same standards as students in traditional classroom environments with regard to prohibiting cheating and plagiarism. Requires each virtual school and supplemental online instruction program to ensure that students meet present law compulsory attendance requirements. Provides that students take the state-mandated assessments with their traditional classroom peers. Further requires that virtual schools comply with all other state laws applicable to city, parish, and other local public schools.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:4051-4056)