

**Working Draft of Suggested Legislation**

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**THE EACH CHILD  
LEARNS ACT**

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**The Pathway to 21st-Century Student-Centered  
Personalized and Digital Learning**

*Prepared by  
Stuart M. “Chip” Slaven, Esq.,  
Senior Advocacy Associate,  
Alliance for Excellent Education*

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1 Each Child Learns Act—Article I.—Summary and Guiding Principles

2  
3 Part 1. Vision—Each Child Learns Act

4  
5 § 1.101 Short Titles

6  
7 (a) This act may be cited as the Each Child Learns Act or the ECLA.

8  
9 (b) This article may be cited as Each Child Learns Act—Summary and Guiding Principles.

10  
11 §1.102 Purpose

12  
13 The primary purpose of the Each Child Learns Act is to provide enhanced opportunities for all  
14 children to personalize their learning through innovations such as transitioning to competency-  
15 based learning. Strong teaching and the foundation of high-quality digital learning and the  
16 effective use of technology enable such a transition.

17  
18 **COMMENT:**

19 *The National Center on Universal Design for Learning (UDL) offers principles for curriculum*  
20 *development that work toward the goal of giving all individuals equal opportunities to learn—this is*  
21 *a fundamental tenet of personalized learning. UDL is a good reference point for states working on*  
22 *personalizing learning for students. Additionally, there are numerous new opportunities for students*  
23 *to learn in a more personalized manner that are enabled because of technological innovations that*  
24 *should also be examined. These new innovations, when done in combination with great teaching, can*  
25 *lead to more successful outcomes for students. (See <http://www.udlcenter.org>.) Many teachers and*  
26 *parents across the country are already taking advantage of the many new opportunities. For*  
27 *example, the Khan Academy provides 3,300 videos with practice exercises that cover a wide range of*  
28 *academic subjects, providing students with important academic support in addition to the kinds of*  
29 *typical instruction that are provided in traditional schools. Students from all kinds of backgrounds*  
30 *and all parts of the country are now taking advantage of these free instructional videos, and many*  
31 *teachers are encouraging students to use them as supplemental learning material. The videos are*  
32 *available for the student at any time and place, as long as they have internet access. This gives*  
33 *students the opportunity to move on at their own pace and only when they have mastered a unit or*  
34 *subject. This type of competency-based learning option represents a fundamental trait of the*  
35 *personalized learning approaches that are available through high-quality digital learning. (See*  
36 *<http://www.khanacademy.org>.)*

37  
38 § 1.103 Summary

39  
40 (a) The Each Child Learns Act will help ensure that every child is provided a high-quality  
41 education that includes digital learning and the effective use of technology as an important  
42 component of personalizing and improving his or her learning. Adoption of the ECLA will assist  
43 in the implementation of personalized and digital learning opportunities for all students by  
44 following the “Guiding Principles of the Each Child Learns Act,” aligning state law and policies  
45 with the “10 Elements of High Quality Digital Learning,” and providing important uniform  
46 definitions for personalized and digital learning.

**COMMENT:**

*The “10 Elements of High Quality Digital Learning” were formulated in 2010 by the nonpartisan Digital Learning Council, cochaired by former Governors Jeb Bush and Bob Wise. The elements provide important guidance on the policies required to transition schools to digital learning. (See “Digital Learning Council—Digital Learning Now!: 10 Elements of High Quality Digital Learning,” <http://digitalllearningnow.com/wp-content/uploads/2011/11/Digital-Learning-Now-Report-FINAL.pdf>.) In October 2011, the two governors united again and released “The Roadmap to Reform: Digital Learning,” which offers additional information to states on effective policies to help implement digital learning in the schools. (See “Digital Learning Now!: Roadmap for Reform,” <http://digitalllearningnow.com/wp-content/uploads/2011/10/Roadmap-for-Reform-.pdf>.)*

(b) The Each Child Learns Act is divided into four articles:

- (1) Summary and Guiding Principles
- (2) Personalized Learning for Each Child
- (3) Transformation to 21st-Century Digital Learning
- (4) Uniform Definitions for Personalized and Digital Learning

**Part 2. Legislative Intent of the Each Child Learns Act**

§ 1.201 “Guiding Principles of the Each Child Learns Act” and the “10 Elements of High Quality Digital Learning”

The legislature intends for the requirements of the ECLA to help meet the goals set by the “Guiding Principles of the Each Child Learns Act” and the “10 Elements of High Quality Digital Learning.”

(a) “Guiding Principles of the Each Child Learns Act.”

- (1) To ensure that each child is a high school graduate with the skills necessary to succeed in college, a career, and life.
- (2) To provide each child with a personalized learning approach that recognizes the varying learning needs of every individual child and the opportunity for them to learn at their own pace and in their own manner.
- (3) To provide at-risk children, English language learners, minorities, students with disabilities, and low-income children with enhanced opportunities that will enable them to successfully graduate from high school with the skills required to be successful.
- (4) To recognize the vital role that teachers play in the ability of each child to learn successfully by providing teachers with high-quality and innovative sustained professional enhancement and continuing education as needed, often offered through

95 digital delivery, enhanced mentoring and colleague-to-colleague collaboration, less  
96 burdensome nonteaching and bureaucratic duties, and increased opportunity to focus  
97 attention on each student individually to ensure that every child learns in the most  
98 effective manner, tailored to their different needs.

99  
100 (5) To give parents and legal guardians important access to their children’s learning  
101 information and student records to ensure that their child is receiving the best instruction  
102 methods and tools suitable for the child to learn effectively.

103  
104 (6) To give schools guidance on the most effective ways to personalize education,  
105 implement digital learning in both blended and online classes, use classroom technology  
106 tools effectively, minimize costs while improving and not sacrificing the quality of the  
107 learning or the classroom teacher, and to transform the traditional classroom model in a  
108 traditional brick-and-mortar public school to a more modern and effective 21st-century  
109 learning environment.

110  
111 (7) To strengthen the public school system and improve the quality of local schools  
112 through the implementation of personalized and digital learning for each child.

113  
114 ***COMMENT:***  
115 *Introducing technology into schools must be done with the stated purpose of improving public*  
116 *schools and student outcomes. The preceding guiding principles offer clear goals that legislators,*  
117 *other policymakers, and educators must consider as they transition to a more personalized learning*  
118 *approach for students enabled by technology and differentiated instruction. In the past, efforts to put*  
119 *more technology in the schools were frequently undertaken with little planning or goals on how the*  
120 *technology would actually improve education. The Each Child Learns Act is meant to be a*  
121 *comprehensive approach to student-centered learning by infusing technology in schools with*  
122 *required policy changes in the most effective way, to ensure actual improved tracking of student*  
123 *outcomes around benchmarked high-quality standards.*

124  
125 (b) “10 Elements of High Quality Digital Learning.”

126  
127 (1) Student eligibility: All students are digital learners.

128  
129 (A) State ensures access to high-quality digital content and online classes to all  
130 students.

131  
132 (B) State ensures access to high-quality digital content and online classes to all  
133 K–12 students at any time in their academic career.

134  
135 (2) Student access: All students have access to high-quality digital content and online  
136 courses.

137  
138 (A) State does not restrict access to high-quality digital content and online courses  
139 with policies such as class-size ratios and caps on enrollment and/or budget.

140

141 (B) State does not restrict access to high-quality digital content and online courses  
142 based on geography such as school district, county, or state.

143  
144 (C) State requires students to take high-quality online college- or career-  
145 preparatory courses to earn a high school diploma.

146  
147 (3) Personalized learning: All students can customize their education using digital content  
148 through an approved provider.

149  
150 (A) State allows students to take online courses full-time, part-time, or by  
151 individual course.

152  
153 (B) State allows students to enroll with multiple providers and blend online  
154 courses with onsite learning.

155  
156 (C) State allows rolling enrollment year-round.

157  
158 (D) State does not limit the amount of credits earned online.

159  
160 (E) State does not limit provider options for delivering instruction.

161  
162 (4) Advancement: Students progress based on demonstrated competency.

163  
164 (A) State requires that students advance based on demonstrated competence.

165  
166 (B) State does not have a seat time requirement for matriculation.

167  
168 (C) State provides assessments when students are ready to complete the course or  
169 unit.

170  
171 (5) Content: Digital content, instruction materials, and online and blended learning  
172 opportunities are of high quality.

173  
174 (A) State requires that digital content and online and blended courses be aligned  
175 with state standards or common core state standards where applicable.

176  
177 (6) Instruction: Digital instruction and teachers are of high quality.

178  
179 (A) State provides alternative certification routes, including online instruction and  
180 performance-based certification.

181  
182 (B) State provides certification reciprocity for online instructors certified by  
183 another state.

184  
185 (C) State provides the opportunity for multi-location instruction.

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(D) State encourages post-secondary institutions with teacher preparatory programs to offer targeted digital instruction training.

(E) State ensures that teachers have professional development or training to better utilize technology and before teaching an online or blended learning course.

(7) Providers: All students have access to multiple high-quality providers.

(A) State has an open, transparent, expeditious approval process for digital learning providers.

(B) State provides students with access to multiple approved providers, including public, private, and nonprofit.

(C) State treats all approved providers—public, chartered, private, and nonprofit—equally.

(D) State provides all students with access to all approved providers.

(E) State has no administrative requirements that would unnecessarily limit participation of high-quality providers (e.g., office location).

(8) Assessment and accountability: Student learning is the metric for evaluating the quality of content and instruction.

(A) State administers assessments digitally.

(B) State ensures a digital formative assessment system.

(C) State evaluates the quality of course and content based primarily on student learning data.

(D) State evaluates the effectiveness of teachers based in part on student learning data.

(E) State holds schools and providers accountable for achievement and growth.

(9) Funding: Funding creates incentives for performance, options, and innovations.

(A) State funding model pays providers in installments that incentivize completion and achievement.

(B) State allows digital content to be acquired through instructional material budgets and does not discourage digital content with print adoption practices.

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(C) State funding allows customization of education, including choice of providers.

(10) Delivery: Infrastructure supports digital learning.

(A) State is replacing textbooks with digital content, including interactive and adaptive multimedia.

(B) State ensures high-speed broadband internet access for public schoolteachers and students.

(C) State ensures that all public school students and teachers have internet access devices.

(D) State uses purchasing power to negotiate lower-cost licenses and contracts for digital content and online courses.

(E) State ensures that local and state data systems and related applications are up-to-date and robust and can inform longitudinal management decisions, accountability, and instruction.

DRAFT

253 Each Child Learns Act—Article II.—Personalized Learning for Each Child

254  
255 Part 1. General Guidance

256  
257 § 2.101 Short Title

258  
259 This article may be cited as Each Child Learns Act—Personalized Learning for Each Child.

260  
261 *COMMENT:*

262 *The U.S. Department of Education defines personalization in the National Education Technology*  
263 *Plan: “Personalization refers to instruction that is paced to learning needs [i.e., individualized],*  
264 *tailored to learning preferences [i.e., differentiated], and tailored to the specific interests of different*  
265 *learners. In an environment that is fully personalized, the learning objectives and content as well as*  
266 *the method and pace all vary.” (See U.S. Department of Education, Office of Education Technology,*  
267 *“Transforming American Education: Learning Powered by Technology—National Education*  
268 *Technology Plan 2012” [Washington, DC: Author, 2010].)*

269  
270 § 2.102 Summary

271  
272 (a) Personalized learning is a student-centered approach to education. It focuses on each child as  
273 a distinct individual by offering enhanced opportunities for him or her to become more engaged  
274 and motivated to perform well in school and to maximize their learning potential. Personalized  
275 learning allows each child to learn in their own style and manner, and at their own pace, in the  
276 way best suited for them individually to master through demonstrated performance and  
277 competency each academic unit and subject necessary for them to ultimately graduate from high  
278 school and succeed in college, a career, and life.

279  
280 *COMMENT:*

281 *Personalized learning is one of the key components of the move toward a system that is learner centric.*  
282 *The Alliance for Excellent Education defines a learner-centered approach as having the following four*  
283 *characteristics, which help prepare students for college and/or a career: rigorous; based on college- and*  
284 *career-ready expectations; personalized, collaborative, and flexible; and with learning taking place*  
285 *anytime, anywhere. (See Culture Shift: Teaching in a Learner-Centered Environment Powered by*  
286 *Digital Learning, May 2012, <http://www.all4ed.org/files/CultureShift.pdf>.)*

287  
288 (b) Transformation of the public schools into a personalized learning model will allow every  
289 public school student to blend high-quality digital content with traditional learning. It will help  
290 transform each public school classroom into a modern 21st-century model (see Article III, Part  
291 2) taught by a highly effective teacher with specialized training and utilizing adaptive high-  
292 quality digital content, adaptive software, modern technology, and other innovative techniques.

293  
294 (c) Personalized learning will provide opportunities for all public school students to take both  
295 required courses and select courses relevant to them individually through various learning  
296 options including traditional lectures, enhanced small group interaction, project-based learning,  
297 one-on-one learning, tutoring, and full-time high-quality online classes, creating a portfolio of  
298 opportunities and paths to succeed.

299

300 (d) Successful implementation of personalized learning requires a comprehensive strategy (see  
301 Article II, Part 2) that moves the state school system to a student-centered advancement system  
302 based on competency and performance rather than on time spent on a subject (see Article II, Part  
303 3). For it to be effective, competency-based learning must be driven by strong real-time student  
304 data provided by summative and formative digital assessments and adaptive software  
305 benchmarked to high-quality standards and accountability (see Article II, Part 4); a personalized  
306 learning path for each child enrolled in public school (see Article II, Part 5); and strong and  
307 effective teachers with enhanced access to mentoring and continuing education to develop 21st-  
308 century teaching and leadership skills (see Article II, Part 6). All of these preceding elements  
309 must work in combination to personalize the learning of each child. They are all essential to a  
310 successful transition to personalized learning for each student.

311  
312 **COMMENT:**

313 *The items listed in the four sections above, particularly the elements in § 2.102(d), are vital for*  
314 *personalized learning to work effectively; partial implementation will only lead to mixed results.*  
315 *Each of the elements requires the others to be successful. Digital learning and the effective use of*  
316 *technology, primarily dealt with in Article III, is what allows the seamless transition for*  
317 *implementing each element of personalized learning and binds all of them together.*

318  
319 § 2.103 Legislative Intent

320  
321 The legislature intends for each child to learn in the manner best suited to his or her learning  
322 success by graduating from high school and becoming proficient in meeting state standards in  
323 each required subject. This success will be reached in part by transforming to a personalized and  
324 competency-based learning and student outcome system. This article will set forth the  
325 comprehensive strategy, goals, and standards to reach the objective of implementing  
326 personalized learning for every public school student and strengthening public education across  
327 the state.

328  
329 Part 2. Development of the Each Child Learns Act Comprehensive Strategy

330  
331 § 2.201 Summary

332  
333 The Each Child Learns Act is a complex and comprehensive piece of legislation designed to  
334 provide all children attending public school in the state with a personalized education system that  
335 utilizes technology and high-quality digital learning as a major part of implementation.  
336 Significant comprehensive strategy by the state is required for it to be implemented successfully.  
337 While specific goals are set forth in the legislation, meeting those goals will require planning,  
338 flexibility, and public input. The legislature does not seek to prescribe the specific ways to meet  
339 the goals, only that the specific goals prescribed in the legislation for improved learning are met.  
340 The comprehensive strategy process must meet all of the prescribed goals in this legislation. The  
341 development of the Each Child Learns Act Comprehensive Strategy should also serve as a  
342 complement and guide for school districts that decide to conduct their own transparent  
343 comprehensive strategy. Any recommendations that are made contrary to the statutory language  
344 or intent found in this legislation may only be considered by a vote of the legislature.

345

WORKING DRAFT OF SUGGESTED LEGISLATION

ALLIANCE FOR EXCELLENT EDUCATION

FOR PUBLIC COMMENT

346 COMMENT:
347 Comprehensive planning is key to the implementation of a modern education system that is
348 personalized and uses high-quality digital learning combined with great teaching to be successful.
349 Spending time planning will result in a more seamless transition and allow for a better public
350 understanding of the goals of moving to a modern 21st-century learning model. However, it is
351 important that the comprehensive strategy process not be used as an obstacle to the reforms set forth
352 in the legislation. It is a complement to the legislation to guide areas where planning is necessary.
353 Any recommendations outside the scope of the legislation must be voted on by the legislature.
354 Strategic planning by both states and districts are very important for effective change to take place
355 in the education system. For example, the Lindsay Unified School District in California created a
356 "District Strategic Plan" that involved all stakeholders to move the system toward a competency-
357 based system. The district held a community meeting that helped the LUSD develop a set of guiding
358 principles to use in the process. (See C. Sturgis, S. Patrick, and L. Pettinger, "It's Not a Matter of
359 Time: Highlights from the 2011 Competency-Based Learning Summit,"
360 http://www.inacol.org/research/docs/iNACOL\_Its\_Not\_A\_Matter\_of\_Time\_full\_report.pdf.)

361 SPECIAL COMMENT:
362 States may choose either Option A or Option B, below, for § 2.202. Some states will prefer that the
363 state department of education or some other executive branch drive comprehensive strategy. Other
364 states may prefer that a taskforce be created to deal with the specific intricacies of a full system
365 transformation.

366 (OPTION A)

367 § 2.202 Each Child Learns Act Comprehensive Strategy Taskforce

368 The legislature hereby creates the Each Child Learns Act Comprehensive Strategy Taskforce to
369 develop a comprehensive strategy, establish pilot programs as prescribed by the legislature in
370 this act, and apply all rules and policy guidelines to fully implement all requirements of the Each
371 Child Learns Act that involve comprehensive strategy unless the legislature prescribes an
372 alternative method.

373 COMMENT:
374 After passing comprehensive education reform legislation in 2011 the state of Idaho created the
375 Students Come First Technology Taskforce, a 38-person group charged with developing plans for the
376 successful implementation of technology components of comprehensive education legislation. Specific
377 tasks included making recommendations concerning one-to-one ratio of mobile computing devices
378 for high school students, improved classroom technology, online learning, professional development
379 for teachers, and other topics as determined by the taskforce chairman. The taskforce issued a
380 summary report with recommendations in 2011. (See
381 http://www.sde.idaho.gov/site/studentscomefirst/tech.htm.)

382 Due to the complexity of major personalized and digital learning transformation, some states may
383 prefer this approach to organize and drive the comprehensive strategy process. Other states may
384 prefer that the state board of education or state department of education coordinate the
385 comprehensive strategy. Either option can work successfully if the planning is done in a transparent
386 and open manner and includes the steps outlined in this document.

387 (a) Membership of the Each Child Learns Comprehensive Strategy Taskforce.

388 COMMENT:

**WORKING DRAFT OF SUGGESTED LEGISLATION**  
ALLIANCE FOR EXCELLENT EDUCATION  
FOR PUBLIC COMMENT

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397 *States vary in the way that they create boards, commissions, and special taskforces. If a taskforce is*  
398 *considered as the best alternative, then the Alliance recommends the format below or a similar*  
399 *structure as a good foundation for the Each Child Learns Act Comprehensive Strategy Taskforce. In*  
400 *all cases it is recommended that the state teacher employee organization(s) be consulted fully in the*  
401 *teacher membership of the taskforce and have at least one member representing them on the Each*  
402 *Child Learns Act Comprehensive Strategy Taskforce.*

403  
404 The Each Child Learns Act Comprehensive Strategy Taskforce shall consist of (32–34) members  
405 appointed by the governor within thirty days of the passage of the Each Child Learns Act.  
406 Membership requirements are listed below.

407  
408 **COMMENT:**

409 *The total number of taskforce members will vary depending on the membership options selected by*  
410 *each state. Some states may also choose to require confirmation of the members through the advice*  
411 *and consent of a legislative body.*

412  
413 (1) Four teachers, representing at least one public elementary school, one public middle  
414 school, and one public high school, and one teacher who is experienced in offering  
415 instruction in an online environment. At least one teacher must be recommended by each  
416 professional teacher organization.

417  
418 **COMMENT:**

419 *It is recommended that the state teacher employee organization(s) be consulted fully in the teacher*  
420 *membership of the taskforce and have at least one member representing them on the taskforce. For*  
421 *example, in a state where both the American Federation of Teachers and the National Education*  
422 *Association are active, each group would be allotted one teacher slot, representing a minimum of two*  
423 *teachers who are members of the corresponding organization.*

424  
425 (2) Three principals, representing at least one public elementary school, one public  
426 middle school, and one public high school.

427  
428 (3) Three school librarians with experience in educational media, representing at least  
429 one public elementary school, one public middle school, and one public high school.

430  
431 (4) Three public school district superintendents.

432  
433 **[SUB-OPTION i for section 5]**

434  
435 (5) Three members of the state board of education, recommended by that body.

436  
437 **[SUB-OPTION ii for section 5]**

438  
439 (5) Three local school board members.

440  
441

442 *COMMENT:*  
443 *Some states do not have boards of education or may prefer that local school boards hold these positions.*  
444 *States should act in the best interest in selecting Sub-Option i or ii.*

- 445
- 446 (6) The chief instructional officer for the state education system.
- 447
- 448 (7) The chief technology officer for the state.
- 449
- 450 (8) One faculty member of an accredited teacher preparatory program located in the state.
- 451
- 452 (9) Three parents of a school-age child.
- 453
- 454 (10) The chief state school officer for the state, who will also serve as the chair and as a  
455 nonvoting member except in the case of ties.
- 456
- 457 (11) Three at-large members representing the business community, at least one of whom  
458 must work in technology-related field.
- 459
- 460 (12) One principal or chief executive of an online provider, either public or private.
- 461
- 462 (13) Four nonvoting members, representing the legislature, who shall be the chair and  
463 ranking minority members of the Senate and House Education Committees.
- 464
- 465 (14) The governor or his/her representative, serving as a nonvoting member.
- 466
- 467 **(OPTION for states with charter schools)**
- 468
- 469 (15) One principal or chief executive of a state charter school and one charter school  
470 teacher.

471

472 (b) Terms of members.

473

474 All members will serve throughout the two-year comprehensive strategy process. The taskforce  
475 will be dissolved at the *sine die* conclusion of the legislative session where the comprehensive  
476 strategy is submitted. Members who are on the taskforce by way of their office (such as the chief  
477 state school officer, the chief instructional officer, the chief technology officer, and members of  
478 the state board of education) will hold their positions as long as they hold their office. Any  
479 change in the individual holding the position will change the membership of the board to the new  
480 individual holding the position.

481

482 (c) Public meetings and reasonable expenses.

483

484 The taskforce shall hold a public meeting at least four times a year, at least once per quarter.  
485 Taskforce members will receive reimbursement for reasonable expenses associated with the

486 taskforce and be eligible for a per diem rate for each day that the taskforce meets or a member  
487 conducts business on behalf of the taskforce.

488  
489 **COMMENT:**

490 *States may have varying rules related to reimbursement for travel and expenses that may require*  
491 *adjustment for this section.*

492  
493 **(OPTION B)**

494  
495 § 2.202 Comprehensive Strategy by the (*State Board of Education, State Department of*  
496 *Education, or Other Appropriate Agency*)

497  
498 The legislature hereby directs the (state board of education, state department of education, or  
499 other appropriate agency) to develop a comprehensive strategy, develop recommendations, and  
500 create all rules and policy guidelines to fully implement all requirements of the Each Child  
501 Learns Act.

502  
503 **COMMENT:**

504 *Throughout the suggested legislation, the phrase “insert appropriate agency” will appear in*  
505 *parentheses and italics, to give states the option of choosing the best agency to guide their individual*  
506 *process.*

507  
508 § 2.203 Requirements of the Comprehensive Strategy for the Each Child Learns Act

509  
510 The legislature directs the (*insert appropriate agency*) to develop a comprehensive strategy with  
511 recommendations to implement all requirements of the Each Child Learns Act in all public  
512 schools for all grades, K–12. The draft planning process must be fully transparent and include  
513 input from parents and legal guardians, teachers, school administrators, students, other  
514 stakeholders, and the general public. The (*insert appropriate agency*) must proactively solicit  
515 input and provide reasonable opportunities through public meetings and other communication for  
516 all concerned parties in every school and district to ask questions and provide comments and  
517 recommendations during the drafting process. The information gathered from the public should  
518 be reasonably considered during the planning process. Research of identifiable data and a full  
519 exploration of successful examples of promising practices in all relevant areas, both domestically  
520 and internationally, must be carefully examined and considered in the drafting process. The  
521 comprehensive strategy should give schools and school districts flexibility in going forward and  
522 allow for multiple 21st-century learning options and avoid mandating only one or two  
523 approaches. Key goals of the statewide comprehensive strategy should be to guide district and  
524 school planning and to look at ways to give them more flexibility to try innovative instructional  
525 practices.

526  
527 **COMMENT:**

528 *Seeking input from all interest holders and the general public is key for securing support for the*  
529 *transition to a 21st-century model. Each state will need to decide the best ways to seek that input;*  
530 *hearings and meetings can offer good opportunities to seek comments and are recommended. Schools*  
531 *and/or communities should also be encouraged to hold their own public meetings and then provide*  
532 *copies of the comments to the implementing agency. In addition, information and comments should*

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*be provided digitally and through social media. A comprehensive communications plan that meets the state sunshine laws on public meetings will give the public ample opportunity to offer their perspective on how the Each Child Learns Act would impact all children in the state.*

(a) Public comment period.

On the first business day within one year of passage of this act, the *(insert appropriate agency)* must release a draft of the comprehensive strategy for a 90-day public comment period. The *(insert appropriate agency)* must hold at least three public meetings during this time period to allow for full public discourse of the draft comprehensive strategy.

(b) Required content of the comprehensive strategy.

The comprehensive strategy must include all relevant data, budget recommendations, proposed rules, pilot program information and statistics, and any other proposals mandated by the legislature in this act unless the *(insert appropriate agency)* determines in a written report to the legislature that certain information will require additional time. That report should list the reason for the delay and include an estimated new time frame. In all other cases, all major subject areas of the Each Child Learns Act are to be included in the comprehensive strategy process unless the legislature specifically prescribes an exception to them. These areas are listed below.

- (1) Competency-based learning (Article II, Part 3).
- (2) Transformation to digital summative and formative assessments (Article II, Part 4).
- (3) Personalized learning paths (Article II, Part 5).
- (4) Effective teaching in the 21st century (Article II, Part 6).
- (5) Transitioning to 21st-century learning models and instruction (Article III, Part 2).
- (6) Online learning opportunities: The Statewide Online Learning Network (Article III, Part 3).
- (7) Oversight of the Statewide Online Learning Network (Article III, Part 4).
- (8) Developing infrastructure and shifting to digital content (Article III, Part 5).

(c) Submission of the comprehensive strategy to the legislature.

On the first day of legislative business in the second legislative calendar year after passage of this act, the *(insert appropriate agency)* must present the comprehensive strategy and all accompanying public comments to the governor, legislature, and state department of education. The plan must include both specific recommendations and a timeline that demonstrate how the transition to all requirements of the Each Child Learns Act will occur throughout the public school system.

579  
580 (d) Approval of the comprehensive strategy.  
581

582 The draft comprehensive strategy will automatically be approved and triggered at the *sine die*  
583 adjournment of the legislative session when the plan is submitted unless action is taken by the  
584 legislature to modify the plan.

585  
586 ***COMMENT:***

587 *The legislature should avoid becoming immersed in the granular details of the implementation.*  
588 *However, the legislature must review the action items put forth in the comprehensive strategy to*  
589 *ensure that they are consistent with the legislative intent and have taken the concerns of the public*  
590 *under consideration. Automatic triggering of the comprehensive strategy without further action by*  
591 *the legislature offers the best opportunity to avoid any rewriting of the plan and/or law by special*  
592 *interests while also balancing the needs of the public and the intent of the legislature.*  
593

594 **Part 3. Competency-Based Learning**

595  
596 **§ 2.301 Summary**

597  
598 (a) Personalized learning requires new student-centered advancement paths based on  
599 demonstrated competency. Competency-based learning, also known as performance-based  
600 learning, allows students to advance only when they have mastered a subject, and not through the  
601 traditional method, in which advancement depends upon the amount of time the students are  
602 physically present in class listening to a lecture or focusing on a subject. Competency-based  
603 learning allows students who are excelling to move on when they have demonstrated mastery of  
604 a unit or subject and allows other students who may be struggling to work on a unit or subject at  
605 their own pace and only move on when they have mastered it. Digitally driven formative and  
606 summary assessments are a necessary component of competency-based learning and not only  
607 will help all students meet minimal state standards, but also will help them meet the  
608 competencies of deeper learning.

609  
610 ***COMMENT:***

611 *The Alliance for Excellent Education defines the deeper learning competencies for students as*  
612 *knowing and mastering core academic content, thinking critically and solving complex problems,*  
613 *working collaboratively, communicating effectively, and being self-directed and able to incorporate*  
614 *feedback. (See Alliance for Excellent Education, “A Time for Deeper Learning: Preparing Students*  
615 *for a Changing World,” <http://www.all4ed.org/files/DeeperLearning.pdf>.)*  
616

617 (b) Competency-based learning ensures that each child learns at a high-quality but flexible level.  
618 It ensures that students are not forced to begin a new subject area when they are not ready to do  
619 so. Conversely, they also are prevented from moving ahead to other units or subjects until they  
620 have successfully demonstrated mastery over the material. Transitioning to a competency-based  
621 system will help ensure that advanced students are constantly challenged with new learning  
622 opportunities, and that struggling students do not become disengaged and frustrated with school  
623 leading to poor performance, discipline problems, and dropping out without receiving their high  
624 school diploma and the required skills to succeed in college, a career, and life.  
625

626 *COMMENT:*

627 *Basing advancement on seat time is an outdated way to guide students through their learning. It is*  
628 *the best of many examples that the current education model needs modernized. The tying of*  
629 *advancement to the time spent in school or on a subject might have been a good practice in the past,*  
630 *but the advent of technology and new innovations provides increased opportunities for students to*  
631 *move at different paces and graduate from high school prepared with the skills to lead a successful*  
632 *life. Digital learning is only effective if it is personalized and based on the concept that students*  
633 *advance only through mastery of the academic subject material.*

634  
635 § 2.302 Legislative Intent

636  
637 It is the intent of the legislature to personalize learning for each public school student and allow  
638 each individual student the flexibility to be able to take a class in the best manner for them to  
639 succeed. Transitioning to personalized learning will require that competency-based learning  
640 replace the traditional seat time requirements that have been guiding the public school system.  
641 Schools and school districts must have in place transition plans that meet the recommendations  
642 of the statewide comprehensive strategy by the first day of the school year immediately after the  
643 comprehensive strategy is finalized. (See § 2.203[c].)

644  
645 *COMMENT:*

646 *It is highly recommended that the comprehensive strategy sections concerning competency-based*  
647 *learning should use the working definition and five elements below of competency-based learning*  
648 *and guidance on the practice as stated in the paper “Cracking the Code: Synchronizing Policy and*  
649 *Practice for Performance-Based Learning,” authored by Susan Patrick of the International*  
650 *Association of K–12 Online Learning and Chris Sturgis of MetisNet. (See*  
651 *[http://www.inacol.org/research/docs/iNACOL\\_CrackingCode\\_full\\_report.pdf](http://www.inacol.org/research/docs/iNACOL_CrackingCode_full_report.pdf).) Specifically, the*  
652 *transition should move toward meeting the goals of the elements of competency-based learning from*  
653 *that paper listed below.*

654  
655 (1) *Students advance upon mastery.*

656  
657 (2) *Competencies include explicit, measurable, transferable learning objectives that empower*  
658 *students.*

659  
660 (3) *Assessment is meaningful and a positive learning experience for students.*

661  
662 (4) *Students receive timely, differentiated support based on their individual learning needs.*

663  
664 (5) *Learning outcomes emphasize competencies that include application and creation of*  
665 *knowledge, along with the development of important skills and dispositions.*

666  
667 § 2.303 Elimination of Seat Time and the Carnegie Unit as the Standard of Student Advancement

668  
669 The Carnegie unit is a standard based strictly on the amount of time a student spends in a  
670 traditional brick-and-mortar school learning from a classroom teacher. It does not provide for a  
671 personalized approach to learning that allows students to move at their own pace and only  
672 advance when they have mastered the unit or subject. The legislature directs the (*insert*  
673 *appropriate agency*) to phase out seat time as the measure of student learning in all public  
674 schools for all public school students, K–12. During the planning process, the (*insert appropriate*  
675 *agency*) must consider and address all the policy implications of moving to a competency-based

676 system, including potential effects on individual school funding, teacher evaluation systems,  
677 teacher certification, assessments, timelines, and other issues identified by the taskforce. The  
678 final implementation plan to completely replace seat time with a competency-based learning  
679 approach, utilizing the best principles of personalized learning, must be fully in place in the  
680 school system by the first day of the school year immediately following the strategic plan being  
681 finalized by the legislature.

682  
683 **COMMENT:**

684 *The State of New Hampshire has eliminated seat time as the standard of measure for advancement*  
685 *and moved to a competency-based system. They were the first state to do so. Analysis of Patrick and*  
686 *Sturgis’s model in “Cracking the Code,” and research on New Hampshire and other states that have*  
687 *taken significant steps toward competency-based learning, should be examined during the*  
688 *comprehensive strategy process. There are many policy implications of transitioning to a*  
689 *competency-based system that must be studied as part of the comprehensive strategy process. In*  
690 *addition to the issues listed above, each state should charge the taskforce to study the various*  
691 *concerns and make recommendations on how to address them. (See also*  
692 *[http://www.education.nh.gov/innovations/hs\\_redesign/index.htm](http://www.education.nh.gov/innovations/hs_redesign/index.htm).)*  
693

694 § 2.304 Transition Period Waiver Pilot Program

695  
696 The (*insert appropriate agency*) is directed to immediately implement a waiver pilot program  
697 that will be available the first day of the school year immediately following passage of this act to  
698 ease the transition for schools and school districts into competency-based learning. Schools and  
699 school districts that wish to begin early implementation of competency-based learning may apply  
700 to be issued a waiver as part of a pilot program to suspend seat time as a high school graduation  
701 requirement. The (*insert appropriate agency*) must issue a funding policy to address any  
702 financial issues that may arise as a result of early implementation by these schools. These early  
703 pilot projects will offer guidance for the final recommendations for the comprehensive strategy.  
704

705 (a) Priority for waivers will be given to schools that are identified as poor performing and need  
706 improvement, struggling due to a lack of economic resources and funding, located in high-  
707 poverty areas, and having high numbers of disabled, minority, or English language learning  
708 students.

709  
710 (b) The (*insert appropriate agency*) will provide guidance to ensure that the transition to  
711 competency-based learning in the pilot school projects is as seamless as possible and that it  
712 works toward the goal that students will only move on to new subject matter when they have  
713 mastered the previous material at a high-quality level.

714  
715 (c) Pilot schools will be given tools, technical assistance, teacher training, and innovative  
716 funding mechanisms by the state to assist in the implementation of competency-based learning.  
717 Pilot schools must have access to high-quality digital content and technology to transition to a  
718 competency-based assessment system.

719  
720 **COMMENT:**

721 *States such as Michigan have implemented waiver programs that allow seat time to be suspended.*  
722 *(See [http://www.michigan.gov/documents/mde/Seat\\_Time\\_Waiver\\_386737\\_7.pdf](http://www.michigan.gov/documents/mde/Seat_Time_Waiver_386737_7.pdf)). Letting some*

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723 *schools immediately begin a transition to competency-based learning will offer good data on how the*  
724 *full transformation will work and what policies need to be addressed in the comprehensive strategy.*  
725 *(See Alliance for Excellent Education, “Digital Learning and Technology: Federal Policy*  
726 *Recommendations to Seize the Opportunity—and Promising Practices That Inspire Them,”*  
727 *<http://www.all4ed.org/files/DigitalLearning.pdf>.)*  
728

729 § 2.305 Student Recovery Program  
730

731 Until the state public school system is fully transformed to a competency-based learning system,  
732 the *(insert appropriate agency)* is directed to begin a student recovery program to be  
733 implemented throughout the state for all students, K–12, by the first school day of the school  
734 year following the passage of the Each Child Learns Act. Students who are struggling, at risk of  
735 dropping out, or have special needs will receive additional assistance in enrolling in high-quality  
736 online learning courses offered by approved providers through the Statewide Online Learning  
737 Network (see Article III, Part 4), additional or supplemental types of digital and technological  
738 innovation methods, or other learning options approved by the *(insert appropriate agency)* to  
739 assist them to make up credits and get them back on the path to graduation. The Carnegie unit as  
740 a standard of measurement is suspended immediately for all students enrolled in this program.  
741 The student recovery program will be a temporary effort until public education is fully  
742 transformed into a competency-based system that will allow the same flexibility and options for  
743 all students, including at-risk students, thus ultimately eliminating the need for a special  
744 program.

745 **COMMENT:**

746 *Alabama offers a good model of a credit recovery program that suspends the Carnegie unit. Similar*  
747 *to pilot school projects, enacting a credit recovery program offers immediate data and research on*  
748 *competency-based learning for consideration in the comprehensive strategy. It also meets the*  
749 *important goal of providing immediate assistance for struggling students.*  
750

751  
752 § 2.306 Competency-Based Credits Through the Statewide Online Learning Network  
753

754 Each child who takes a high-quality class through the Statewide Online Learning Network (see  
755 Article III, Part 3) from an approved provider will advance and receive credit only when they  
756 have mastered the unit or subject area in the online class through a competency-based learning  
757 system. They must demonstrate the mastery through high-quality digital formative and summary  
758 assessments. Public school students taking an online class will still be responsible for passing  
759 required state summative assessments to pass to the next grade level. The Carnegie unit as a  
760 standard of measurement is suspended immediately and permanently for all approved online  
761 classes by the first school day of the school year that the Statewide Online Learning Network is  
762 operational.

763 **COMMENT:**

764 *Online learning is a good example of the type of high-quality learning that is not tied to a unit of*  
765 *time. It offers students the chance to completely personalize their learning and move at their own*  
766 *pace. Seat time becomes irrelevant. Advancement is driven strictly by progress on real-time digital*  
767 *formative assessments.*  
768  
769

770 § 2.307 Partnering and Alignment with the State Higher Education System

771

772 The legislature directs the (*insert appropriate agency*) and the (*insert appropriate higher*  
773 *education governing board(s) for higher education and higher education institutions*) to begin a  
774 process to work together and develop specific recommendations as part of the required  
775 comprehensive strategy to implement competency-based learning in the K–12 public school  
776 system. The higher education system must be included as part of the comprehensive strategy for  
777 competency-based learning, including the alignment of the state’s higher education institutions’  
778 guidelines, plans, admission policies, and procedures to reflect the change in the K–12 system  
779 (including any additional required legislative action). Additionally, proposals to transition  
780 curriculums to offer specialized training in competency-based teaching methods at all state  
781 higher education institutions that provide teacher and educator programs must be included in the  
782 comprehensive strategy. Higher education officials should also offer technical assistance from  
783 the state colleges and universities to the entire public education system during the transition to  
784 competency-based learning.

785

786

**COMMENT:**

787 *Alignment with the higher education system is an important consideration as public schools*  
788 *make the transition to competency-based learning. Higher education officials must be active*  
789 *participants in the comprehensive strategy process for it to be successful. Students must be able to*  
790 *rely on a competency-based system that will still gain them admission to college, and colleges must be*  
791 *assured that incoming students have the required skills for them to be successful.*

792

793 Part 4. Transformation to Digital Summative and Formative Assessments

794

795 § 2.401 Summary

796

797 Monitoring student progress and having accurate real-time data measured and benchmarked  
798 against high-quality standards is essential to improving the learning of all children. The  
799 implementation of higher standards and rigor require a transformation in the way students are  
800 assessed. Successful competency-based advancement requires formative assessments that can be  
801 administered at any time to provide real-time results. Digital formative assessments provide the  
802 best mechanism to measure progress in real time and track student learning data in the best way  
803 for teachers, counselors, and parents or legal guardians to monitor how each and every child is  
804 progressing. Formative assessments are an important way of determining student knowledge in  
805 guiding teachers in designing and providing instruction that is flexible and adjustable for each  
806 child. Digitally driven integrated data systems that meet minimum state standards and encourage  
807 deeper learning by students of subject matter must be in place to provide competency-based  
808 advancement and help provide an effective mechanism for each student to have a path to success  
809 (see Article II, Part 5).

810

811

**COMMENT:**

812 *Competency-based learning is most valuable to student learning when it is guided by real-time*  
813 *formative assessments delivered digitally. Switching to a digital assessment system must be part of*  
814 *the transition to high-quality competency-based learning. In this modern instruction model, the*  
815 *teacher becomes even more important. They become educational designers for each student,*  
816 *evaluating the real-time digital data and adjusting lesson plans and instruction on the data gathered.*

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817 *Digital assessments will allow teachers to spend more time teaching and focusing on the strengths*  
818 *and problem areas for each student. Digital assessments are also a key component of assessing deeper*  
819 *learning by students. Daily formative assessments, however, should not be used as part of the*  
820 *accountability process to determine school and teacher effectiveness. They should only be used by*  
821 *students and teachers to learn from mistakes; failure is a crucial part of the learning process in*  
822 *formative assessment. Instead, better accountability measures should be developed that evaluate*  
823 *student mastery and progress. In some instances, this may include formative data taken in a single*  
824 *subject matter over an extended period of time, but states should study this issue carefully. The real*  
825 *accountability measure is how successful teachers are at adapting the student information gathered*  
826 *through formative assessments, and how well they help guide their students to successful mastery of*  
827 *the unit or subject matter.*

## 829 § 2.402 Legislative Intent

831 It is the intent of the legislature to upgrade the student assessment system to a primarily digital  
832 format in every public school and every grade, K–12, in the state. The digital format must  
833 provide for the generation of useful real-time student data, using both summative and formative  
834 assessments, for teachers and other education professionals who are evaluating student learning  
835 at multiple points in the learning process. The digital formative assessment recommendations  
836 from the comprehensive strategy will become effective by the first day of the school year  
837 immediately after the comprehensive strategy becomes effective by the legislature. Schools and  
838 school districts must have plans in place to begin transitioning to digital formative assessments  
839 that meet the recommendations of the statewide comprehensive strategy by the first day of the  
840 school year immediately after the comprehensive strategy is finalized, consistent with the  
841 recommendations and timeline in the comprehensive strategy.

### 843 **COMMENT:**

844 *At the time of this writing, 45 states are already engaged in transitioning to a digital assessment*  
845 *system for math and language arts as part of the common core state standards (see*  
846 *<http://www.corestandards.org>). States that have adopted the common core are working with one of*  
847 *two different consortia, either PARCC (<http://www.parcconline.org/achieving-common-core>) or*  
848 *SMARTER Balanced ([http://www.smarterbalanced.org/k-12-education/common-core-state-](http://www.smarterbalanced.org/k-12-education/common-core-state-standards-tools-resources)*  
849 *standards-tools-resources), to develop digital assessments. Importantly, there are also efforts under*  
850 *way by 33 states to work with one of two other specialized consortia, the Dynamic Learning Maps*  
851 *Alternative Assessment System (<http://dynamiclearningmaps.org>) and the National Center and State*  
852 *Collaborative (NCSC) (<http://www.ncscpartners.org>), to allow for alternative assessments for*  
853 *students with severe cognitive disabilities. These efforts should make the transition process more*  
854 *seamless and provide guidance to states transitioning to digital formative assessments. For the states*  
855 *that are part of these efforts, the goal of implementing formative assessments statewide should align*  
856 *with state and consortia plans that are already being developed. To the extent that this language may*  
857 *conflict with any of those plans, this section should be revised by the legislature to stay consistent*  
858 *with the overall planning already under way for the individual states and consortia.*

## 860 § 2.403 Transition Period Pilot Program

861  
862 The (*insert appropriate agency*) is directed to implement a system to ease the transition for  
863 schools and school districts into utilizing digital assessments. Schools and school districts that  
864 wish to begin early implementation of digital assessments may apply for a pilot program to make  
865 the transition. These early pilot projects will offer guidance for the final recommendations for the

866 comprehensive strategy. The pilot project will be effective on the first day of the school year  
867 immediately following passage of this act.

868  
869 (a) Priority for waivers will be given to schools identified as poor performing and needing  
870 improvement or struggling due to a lack of economic resources and funding, schools located in  
871 high-poverty areas, and schools with high populations of disabled, minority, or English language  
872 learning students.

873  
874 (b) Pilot schools will be given tools, technical assistance, teacher training, and innovative  
875 funding mechanisms to assist in the implementation of competency-based learning. Pilot schools  
876 must have access to high-quality digital content and technology to transition to a fully digital  
877 assessment system.

878  
879 §2.404 Assessments Must Be Adaptable for Special Needs Children  
880

881 (a) The digital assessments must allow flexibility and access for all students, including at-risk  
882 students, minorities, high-poverty students, students with disabilities, and those with other  
883 special needs. The individual needs of each and every child must be the guiding principle and  
884 factored into the implementation of digital assessments. Alternative assessments must be  
885 available for students unable to take a digital assessment.

886  
887 *COMMENT:*  
888 *The efforts to provide alternative assessments for students with severe cognitive disabilities are a*  
889 *very important part of the transition to digital assessments. The Dynamic Learning Maps Alternative*  
890 *Assessment System (<http://dynamiclearningmaps.org>) and the National Center and State*  
891 *Collaborative Partnership (<http://www.ncscpartners.org>) are two specialized consortia working with*  
892 *some states as part of the adoption of the common core state standards. Thirty-three states are*  
893 *working with one of these two consortia to develop alternative assessments for students with severe*  
894 *cognitive disabilities.*

895  
896 (b) Compliance and integrity with the intent of Congress as established in 20 U.S.C. §§ 1400 et  
897 seq., the Individuals with Disabilities Education Act (IDEA), 42 U.S.C. §§12101 et seq., the  
898 Americans with Disabilities Act (ADA), 29 U.S.C. § 794, Section 504 of the Rehabilitation Act  
899 of 1973, and any other applicable federal or state laws must be maintained as part of the  
900 implementation of digital assessments. The (*insert appropriate agency*) is directed to implement  
901 any plans or regulations to ensure compliance with all applicable federal and state laws relating  
902 to students with disabilities.

903  
904 *COMMENT:*  
905 *Every precaution must be taken in the planning process to protect all students against abuse or*  
906 *problems they may encounter under digital assessments. Adequate countermeasures and plans must*  
907 *be in effect at the time of implementation.*

908  
909 § 2.405 Assessments Must Be Aligned with High-Quality Standards  
910

911 Digital assessments must measure the full breadth of student learning, meet the minimum  
912 required state standards in every course and the requirements to advance in every unit of a

913 course, and be available on demand when students are ready to take them. Formative  
914 assessments should drive daily student learning and must measure where students stand by  
915 providing real-time data and indicating what progress they need to make to master the units or  
916 courses that meet high-quality state minimum standards. Summative assessments should be a  
917 final true indicator that students have mastered high-quality content before they are allowed to  
918 advance out of subject.

919  
920 **COMMENT:**

921 *Any assessment, digital or with a pencil and paper, is meaningless if it is not measuring high-quality*  
922 *standards. Special focus must be made to ensure that assessments are offering a real measure of how*  
923 *a student is progressing. States that have adopted the common core state standards in English and*  
924 *math are already transitioning to digital assessments in those subject areas. Some states, such as*  
925 *Virginia, are already using digital assessments. They can help serve as examples for other states*  
926 *transitioning to digital assessments.*

927  
928 **Part 5. Personalized Learning Paths**

929  
930 **§ 2.501 Summary**

931  
932 Transforming student learning into a personalized learning approach that includes competency-  
933 based advancement utilizing real-time formative data and multiple other measures requires a way  
934 to take the accumulated data and plan for each student’s individual learning needs. Personalized  
935 learning paths, driven by digital assessments enabled by technology, offer the best opportunity to  
936 ensure that each student is moving at the correct pace and mastering the material successfully  
937 before moving on to a new unit or subject.

938  
939 **COMMENT:**

940 *Personalized learning paths are a vital part of the implementation of the other parts of Article II.*  
941 *They offer the best way to streamline and improve the monitoring of each student’s academic*  
942 *progress. Personalized learning paths should work in conjunction with integrated data systems that*  
943 *provide real-time digital formative assessments. It should also be noted that some schools will be able*  
944 *to implement a personalized learning path faster than others. Strategic planners should take this into*  
945 *consideration and understand that some schools will have to adapt to a full personalized learning*  
946 *system more slowly. Elements of personalized learning paths can be found in some processes already*  
947 *under way, such as the Student Education/Occupation Plan (SEOP) system in Utah. (See*  
948 *[http://schools.utah.gov/cte/guidance\\_seop.html](http://schools.utah.gov/cte/guidance_seop.html).) There are key similarities between the SEOP system*  
949 *and personalized learning paths—but SEOPs are driven by guidance counselors, while true*  
950 *personalized learning paths are a combination of real-time data and feedback from counselors,*  
951 *teachers, parents, and students, and are, therefore, more efficient. They are both a daily tool to keep*  
952 *students learning and also a long-term path to educational success.*

953  
954 **§ 2.502 Legislative Intent**

955  
956 (a) The (insert appropriate agency) is directed to begin making recommendations and planning  
957 to implement a process with a realistic timeline to introduce a digital personal learning path  
958 aligned to minimum state college and career standards for every public school student in all  
959 grades, K–12, as part of the comprehensive strategy. The paths should assist in meeting the  
960 essential elements of the data quality campaign and be consistent with plans to implement a

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961 digital data recordkeeping system across the state. The paths will be utilized and available  
962 digitally through a secure and integrated data system. They will provide real-time student  
963 assessment data that is accessible at any time by parents and legal guardians, teachers, guidance  
964 counselors, and other necessary school professionals to review the learning path and needs of  
965 every child enrolled in public schools. Utilizing a digital path is meant to decrease burdensome  
966 administrative and bureaucratic procedures for teachers, monitor the best learning methods for  
967 each student, and offer a means to use real-time data to assess student learning. Schools and  
968 school districts must have plans in place to begin transitioning to personal learning paths that  
969 meet the recommendations of the statewide comprehensive strategy by the first day of the school  
970 year immediately following the finalization of the comprehensive strategy, consistent with the  
971 recommendations and timeline in the plan. It is not the goal of the legislature to create any  
972 unnecessary hurdles for teachers or students; rather, it is the goal to drive the education system  
973 into one that better utilizes data, digital content, and assessments to reach a more student-  
974 centered approach to learning that lets students move on only when they have mastered the  
975 required academic material. The comprehensive strategy process should take this intent as the  
976 driving force behind any recommendations on personalized learning paths.

977  
978 **COMMENT:**

979 *North Carolina is working on an instructional improvement system as part of Governor Bev*  
980 *Perdue's College and Career: Ready, Set, Go! Project, funded through Race to the Top funds. States*  
981 *should examine the North Carolina plans and consider how such a system could synchronize with*  
982 *personalized learning paths for students. (See <http://www.ncpublicschools.org/readyssetgo>.)*  
983

984 (b) The personal learning paths will allow students to have some choice and flexibility to work at  
985 their own pace and in the learning style best suited for them to master units and subjects in the  
986 most effective way. It will allow children moving from school to school or class to class to have  
987 a digital tracking system to monitor their academic process and help guide them and their  
988 teachers in selecting the best learning path forward for them to succeed.

989  
990 **COMMENT:**

991 *Personalized learning paths are a very important tool to ensure that student learning becomes*  
992 *personalized in an effective manner. They should not be burdensome administrative instruments and*  
993 *can be differentiated, by their reliance on digital data to drive the process, from independent*  
994 *learning plans (ILPs) and similar administrative actions such as pacing guides. A personalized*  
995 *learning path is delivered digitally and enabled through digital formative assessments in combination*  
996 *with a survey of individual student needs, interests, goals, and teacher input. The paths should help*  
997 *teachers to do their jobs more successfully, not hinder them. Data provided through the paths should*  
998 *help teachers develop lesson plans and design the best learning methods for each student based on*  
999 *real-time learning data. Personalized learning paths are a vital component to ensuring a successful*  
1000 *transition to a competency-based advancement system. Several schools in blended learning*  
1001 *environments are already employing similar means. The School of One, in New York City, is a math*  
1002 *pilot class that takes student data compiled through technology, crunches it into an algorithm, and*  
1003 *creates a playlist for each student that teachers use to modify their lesson plans with on a daily basis.*  
1004 *(See <http://schoolofone.org>.) Similarly, Carpe Diem Collegiate High School, in Yuma, Arizona, takes*  
1005 *real-time data provided digitally and offers it for teacher evaluation to monitor student progress and*  
1006 *give personalized attention when necessary. Both examples have seen increased student learning as a*  
1007 *result of the personalized and flexible approach to modifying student learning based on how the*  
1008 *student is progressing. (See <http://carpediemschools.com>.)*  
1009

1010 § 2.503 Goals and Requirements of Personal Learning Paths

1011

1012 (a) The personal learning path for each public school student will be created by measuring  
1013 individual summative and formative assessments, other means of assessment and testing, surveys  
1014 of individual student interests, parental input, teacher feedback, and other factors to be  
1015 determined by the *(insert appropriate agency)*. The paths must provide steps and an outline for  
1016 each child that continually builds on their current level of academic competency and ensures that  
1017 they meet the minimum state college- and career-readiness standards. Since the paths will be  
1018 digital, real-time data can be conveniently accessed at any time.

1019

1020 (b) The personal learning path program should be aligned with the plans to implement  
1021 competency-based learning (see Article II, Part 3) and digital formative and summary  
1022 assessments (see Article II, Part 4) in all public schools and for every grade, K–12. They are a  
1023 natural extension of the drive to a digital formative assessment system.

1024

1025 (c) Personal learning paths should include various learning options, including large  
1026 group/traditional class participation, small group breakout sessions, one-on-one tutoring, online  
1027 learning, student collaboration, and other blended learning models to be determined by the  
1028 *(insert appropriate agency)*.

1029

1030 (d) When the personal learning paths are fully implemented, public school students will be  
1031 assigned daily, weekly, and monthly learning tasks based on real-time data and input from the  
1032 personal learning path derived from the implementation of a fully digital integrated assessment  
1033 system.

1034

1035 (e) Teachers and local schools will be given flexibility to adjust personal learning paths at any  
1036 time based on assessments, teacher monitoring, parental input, student input, and special  
1037 circumstances. Digital personal learning paths should be a tool to assist teachers in monitoring  
1038 individual student progress, designing lesson plans, and having real-time access to student  
1039 learning data. When fully implemented, digital personal learning paths offer a more flexible  
1040 teaching planning option than pacing guides, which do not take into consideration the different  
1041 learning needs of each child and can force children to move on to a new unit or subject when  
1042 they have not yet mastered the subject matter.

1043

1044 (f) The personal learning paths for every student will be automatically reviewed on at least an  
1045 annual basis by teachers and parents. Additionally, because of the ability offered by a fully  
1046 digital integrated data system to deliver real-time student formative assessments, schools will  
1047 have the discretion to review the paths daily, weekly, at the completion of every unit and grading  
1048 period and semester, on an as-needed basis, and at the request of parents or legal guardians at  
1049 any time.

1050

1051 ***COMMENT:***

1052 *Personalized learning paths offer a snapshot in time from the moment a student begins to have*  
1053 *problems with a subject. They offer the best opportunity to get struggling students back on the path*  
1054 *to academic success.*

1055

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1056 (g) The personal learning paths will be maintained digitally and easily accessed at any time by  
1057 parents and legal guardians. In-person review and copies of paper versions of the personalized  
1058 paths will be available for parents and legal guardians during normal review periods and upon  
1059 request. Parents and legal guardians have the right to request changes in personal learning paths  
1060 for their children after consultation with teachers and other school personnel.

1061  
1062 *COMMENT:*

1063 *Personalized learning paths are implemented based primarily on real-time digital formative*  
1064 *assessments. This should make it much simpler for parents and teachers to look at data and see*  
1065 *where a child is and is not succeeding. Unlike independent education plans, data-driven technology*  
1066 *allows for a personal learning path to be maintained more easily, with fewer bureaucratic burdens*  
1067 *and more available data.*  
1068

1069 (h) High-quality content and classes aligned with the minimum state that college- and career-  
1070 ready standards must be maintained as a key component of every child’s personalized learning  
1071 path.

1072  
1073 (i) Personalizing the learning of all students, including those with special needs.

1074  
1075 (1) The personalized learning paths must allow flexibility and access for all students to  
1076 learning options including at-risk students, minorities, high-poverty students, and  
1077 students with special needs. The individual needs of each child must be the guiding  
1078 principle of personalized learning paths. Students with severe cognitive disabilities or  
1079 other special circumstances that require alternative assessments with alternate  
1080 achievement standards must have particular flexibility in their learning paths.

1081  
1082 (2) Compliance and integrity with the intent of Congress as established in 20 U.S.C. §§  
1083 1400 et seq., the Individuals with Disabilities Education Act (IDEA), 42 U.S.C. §§12101  
1084 et seq., the Americans with Disabilities Act (ADA), 29 U.S.C. § 794, Section 504 of the  
1085 Rehabilitation Act of 1973, and any other applicable federal or state laws must be  
1086 maintained as part of personalized learning paths. The *(insert appropriate agency)* is  
1087 directed to implement any rules or regulations necessary to ensure compliance with all  
1088 applicable federal and state laws relating to students with disabilities.

1089  
1090 (j) Privacy and confidentiality of family and student information.

1091  
1092 (1) There must be compliance with federal and state privacy laws. The information  
1093 contained in the personalized learning path must meet the requirements of 20 U.S.C. §  
1094 1232(g), the Family Educational Rights and Privacy Act of 1974 (FERPA), which  
1095 protects the privacy rights of families and students by preventing the release and  
1096 disclosure of personally identifiable information derived from education records. All  
1097 applicable state privacy laws must also be followed to ensure that student and family data  
1098 is protected.

1099  
1100 (2) The *(insert appropriate agency)* is directed to implement regulations and

1101 technology safeguards, including encryption and password protection of data to protect  
1102 family and student confidentiality, and to comply with all applicable federal and state  
1103 laws.

1104  
1105 **COMMENT:**

1106 *Technology offers many advantages but also requires careful planning for possible privacy*  
1107 *violations. States must implement strong safeguards to protect student information. Caution must be*  
1108 *taken to select data systems that offer adequate protection through encryption and other means.*

1109  
1110 § 2.504 Transition Period Pilot Program

1111  
1112 The (*insert appropriate agency*) will design a process to select schools for participation in a pilot  
1113 project to implement personal learning paths in select schools until they are available throughout  
1114 the public school system. At least one elementary, middle, and high school must be selected, and  
1115 every grade, K–12, must be included in the pilot program. Schools may apply to be considered  
1116 for the program.

1117  
1118 (a) Priority for selection will be given to schools that are poor performing, struggling due to a  
1119 lack of economic resources and funding, located in high-poverty areas, and with a high number  
1120 of minority or English language learning students.

1121  
1122 (b) The (*insert appropriate agency*) will provide specialized guidance, additional resources, and  
1123 funds to implement the paths for pilot schools. The (*insert appropriate agency*) will determine  
1124 the number of schools for the pilot project and establish a system to select schools for inclusion  
1125 in the pilot program. A rolling program may be considered.

1126  
1127 **Part 6. Effective Teaching in the 21st Century**

1128  
1129 § 2.601 Summary

1130  
1131 Each and every child deserves a high-quality education driven by high-quality teachers, whether  
1132 in the public school system or an online class from a state-approved provider. A successful and  
1133 modern system measures student learning outcomes as the most important assessment of the  
1134 education system. For teachers to be effective in such a system, they must have access to the  
1135 latest high-quality teacher training, continuing education, and mentoring opportunities that can  
1136 be offered both in person and digitally through the effective use of technology. Differentiated  
1137 instruction is key to personalizing the learning of each child through competency-based learning  
1138 models. Likewise, the teacher must be given the tools and training to competently teach in such a  
1139 system.

1140  
1141 **COMMENT:**

1142 *Technology offers the best chance to give teachers what they need and have long been asking for:*  
1143 *more effective continuing education programs, increased mentoring opportunities, and other*  
1144 *professional development options to make them more effective. Enhanced teacher training offered*  
1145 *through technology can transform professional development for teachers. High-qualified and*  
1146 *effective teachers are absolutely vital to personalizing and improving the learning of every child, and*

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1147 *they need regular, sustained training to reach that goal. The Alliance for Excellent Education makes*  
1148 *five recommendations in Culture Shift: Teaching in a Learner-Centered Environment Powered by*  
1149 *Digital Learning (<http://www.all4ed.org/files/CultureShift.pdf>) for school leaders in the transition to*  
1150 *a learner-centered teaching model.*

1151  
1152 *(1) Develop a deep understanding of what it means to have a learner-centered environment;*  
1153 *identify the many potential changes that must be made from the current instruction models; and*  
1154 *create opportunities to discuss and observe learner-centered instruction among all parties*  
1155 *involved in a student's learning process.*

1156  
1157 *(2) Provide leaders with the professional learning opportunities needed to understand how to*  
1158 *initiate and grow a strong culture of a learner-centered environment in a school.*

1159  
1160 *(3) Empower school and district leaders to develop collaborative working environments for*  
1161 *teachers that set high expectations and provide the support needed for educators and staff.*

1162  
1163 *(4) Integrate technology and digital learning in the strategic planning and culture discussion*  
1164 *within the school to maximize the potential to support learner-centered environments, including*  
1165 *the use of data and assessments, multiple types of digital content and curriculum, and*  
1166 *collaborative opportunities for teachers and students.*

1167  
1168 *(5) Elevate the profession of teaching by understanding the complexities of teaching very*  
1169 *diverse students in a learner-centered environment; establish teacher effectiveness evaluations*  
1170 *that support growth and take into account multiple variables; and align professional learning*  
1171 *opportunities to evaluations.*

## 1172 § 2.602 Legislative Intent

1173  
1174  
1175 It is the intent of the legislature to professionalize teaching through a program of high-quality  
1176 teacher training, continuing education, and mentoring to take effect the first day of the school  
1177 year after the comprehensive strategy is finalized by the legislature. The program will give  
1178 teachers and schools more flexibility in accessing important training programs and mentoring  
1179 opportunities to make teaching and learning more effective. Teachers must be given clear  
1180 benchmarks, training, and tools for them to be successful and for each child to learn.  
1181 Professionals in the legal, medical, accounting, and related fields are given access to important  
1182 resources that keep them up to date in their professions and allow them to grow as professionals.  
1183 Teachers and the students they are instructing and guiding deserve that same opportunity. In  
1184 particular, offering training that is delivered digitally will encourage teacher innovation, provide  
1185 more flexibility in scheduling and time management, expose teachers to learning in a digital  
1186 environment, and promote collaboration beyond the traditional school walls to include  
1187 opportunities across multiple schools and school districts. It is also the intent of the legislature  
1188 that alternative certification for online teachers and reciprocity of teachers licensed in other states  
1189 must be included as part of any effective teacher program.

### 1190 **COMMENT:**

1191 *In a personalized learning environment, teachers are not only delivering instruction, they are also*  
1192 *designing educational paths using technology as a resource to review real-time data for all of their*  
1193 *students, helping all students learn in the manner best suited to them to master every subject and*  
1194 *guide them to success. One example of a new innovation offering continuing education for teachers*  
1195 *includes the partnership between Tutor.com. and the National Education Association Member*  
1196

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1197 *Benefits. This effort is funded by the Bill & Melinda Gates Foundation and began in 2011 to provide*  
1198 *online professional development and coaching for 100 NEA algebra teachers across the country. The*  
1199 *program allows teachers to communicate live with an experienced coach in a private online*  
1200 *connection and to ask any question related to teaching. Teachers involved in the program have the*  
1201 *flexibility to connect with a coach whenever it is convenient for them. This legislation provides*  
1202 *flexibility and guidance to encourage similar teacher innovation. (See*  
1203 *<http://www.tutor.com/press/press-releases-2011/20111102>.)*  
1204

1205 (a) The legislature directs the (*insert appropriate agency*) to make a funding recommendation as  
1206 part of the comprehensive strategy that would provide, at state expense, a program for high-  
1207 quality sustainable teacher training, continuing education, and innovation promotion for all  
1208 teachers. The comprehensive strategy should examine current funding levels and look at ways to  
1209 rededicate funds.

1210  
1211 (b) The teacher training and continuing education must provide teachers the opportunity to learn  
1212 more in their specific subject area. It must also address how teachers can better utilize digital  
1213 content, technology, and other innovations as learning tools, and prepare them before they start  
1214 teaching online or blended learning courses.

1215  
1216 (c) The teacher training must also include multiple paths to help teachers continually improve  
1217 and become more effective.

1218  
1219 § 2.603 Goals of the Effective Teacher Training Program

1220  
1221 (a) Encourage teachers to develop and utilize innovative instructing methods, including digital  
1222 content and technology tools, to personalize learning for each student.

1223  
1224 **COMMENT:**

1225 *Some teachers around the country are already utilizing innovation enabled through technology to*  
1226 *improve learning and communication with students. One example is the “flipped” classroom*  
1227 *approach, in which teachers video their lectures and the students watch them as homework. The*  
1228 *students then work on their assignments while at school, and the teacher can move around the*  
1229 *classroom offering personal assistance to each student. Other teachers use video to give individual*  
1230 *guidance through a personalized recorded message for each student on how they can improve. This*  
1231 *method provides far more information than typically would be found in a written comment while*  
1232 *also offering a more efficient alternative to writing a lengthy note for every student. Sarah Brown*  
1233 *Wessling, the 2010 National Teacher of the Year, made individual podcasts for her students on how*  
1234 *best to improve their writing. The personalized messages helped ensure that students actually paid*  
1235 *attention to her comments and also encouraged more discussion among students and parents. (See*  
1236 *[http://www.siaa.net/PLI/presentations/PLSummary6\\_WesslingCator.pdf](http://www.siaa.net/PLI/presentations/PLSummary6_WesslingCator.pdf).)*  
1237

1238 (b) Assist all teachers.

1239  
1240 (c) Offer alternative access to other professionals specializing in their field.

1241  
1242 **COMMENT:**

1243 *Many schools, particularly in rural areas, have only one teacher per subject. This puts an*  
1244 *inexperienced teacher in the position of having no senior-level mentors or collaboration opportunities*  
1245 *from another teacher in the same subject area. Digital exposure to other teachers in different schools*

1246 *located throughout the state or nation offers a way for all teachers to interact with other*  
1247 *professionals in their field in a new and meaningful way.*

1248  
1249 (d) Ensure that all teachers have the skills required to teach at the highest level.

1250  
1251 **COMMENT:**  
1252 *In a learner-centered environment, the professional roles of a teacher are different and require*  
1253 *different types of skills and responsibilities. The Alliance for Excellent Education believes that these*  
1254 *new roles include being a facilitator of learning, a user of data and assessments, a collaborator, a*  
1255 *contributor, a coach with peers, and a curriculum adapter and designer. (See Culture Shift:*  
1256 *Teaching in a Learner-Centered Environment Powered by Digital Learning, May 2012,*  
1257 *<http://www.all4ed.org/files/CultureShift.pdf>.)*

1258  
1259 (e) Offer ways for teachers to communicate their advice and recommendations for improving  
1260 education across their school, school district, and state.

1261  
1262 **COMMENT:**  
1263 *Many of the country's best innovators are in the business or higher education fields—and many are*  
1264 *teachers in public schools. Teachers need both flexibility to try their ideas and also a way to*  
1265 *communicate those ideas to others. Communicating through technology offers them one way to*  
1266 *report on what they are doing and receive important feedback from colleagues.*

1267  
1268 (f) Explore ways to base the effectiveness of teachers, at least in part, on student learning data of  
1269 subject mastery and student improvement over time.

1270  
1271 § 2.604 Direct and Flexible Funding

1272  
1273 The legislature directs the (*insert appropriate agency*) to make a recommendation as part of the  
1274 comprehensive strategy on how to support an adequate and direct funding stream to provide  
1275 high-quality and sustainable teacher training for every teacher in every school and school district  
1276 throughout the public school system. Redirecting current funding for professional development  
1277 into a more modern, technology-driven system must be explored as part of the recommendation.

1278  
1279 **COMMENT:**  
1280 *Offering a direct and continuous funding stream for effective teacher training is vital to the success*  
1281 *of personalizing learning for each student and improving overall teacher effectiveness. Short-term*  
1282 *costs associated with starting the program should be balanced by cost savings in the long run. Day-*  
1283 *long teacher training programs that can lead to less classroom time with students could be reduced*  
1284 *or eliminated entirely in a modern and innovative professional development system. Teacher training*  
1285 *offered digitally can be taken by teachers anytime and anywhere—the same opportunity that online*  
1286 *learning can provide to students. This flexibility not only is to the teacher's advantage but also offers*  
1287 *other benefits, such as reduced travel time, planning, and time away from classroom instruction.*

1288  
1289 § 2.605 Digital and Traditional Mentoring Pilot Program

1290  
1291 The (*insert appropriate agency*) is hereby directed to immediately begin a pilot project providing  
1292 digital mentoring for all teachers in all schools, in grades K–12, effective on the first day of  
1293 school of the next school year after the passage of this act. The program intent is to offer teachers  
1294 instruction in a new area and exposure to other experienced professional teachers who can assist

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1295 them in their career. Mentoring opportunities must not be limited to the school to which teachers  
1296 are assigned. High-quality teachers available in other schools located in the state or from schools  
1297 around the country can offer much-needed assistance to teachers in small schools or in schools  
1298 where the subject matter is not taught by a senior-level, high-quality, and effective teacher.

1299  
1300 *COMMENT:*

1301 *Offering high-quality teacher training and a mentoring program that is available digitally can be an*  
1302 *important first step in helping a teacher improve the delivery of content to students. Having a mentor*  
1303 *at the same school is very helpful, but access to highly effective teachers in other schools can be just*  
1304 *as effective—and, in some cases, more effective. It is important that mentor teachers are actually*  
1305 *effective teachers. The state agency designated for this task must create a screening process for the*  
1306 *mentors and ensure that there is adequate technology available for the mentor and mentee to*  
1307 *communicate.*

1308  
1309 § 2.606 Group Collaboration Access

1310  
1311 Technology offers the chance for schools to collaborate professionally with teachers in other  
1312 schools without requiring travel to a specific venue. Holding meetings and events digitally, using  
1313 modules, and utilizing other means offer groups of teachers the chance to interact with each other  
1314 on a more flexible basis, maximizing a teacher’s limited time. The (*insert appropriate agency*) is  
1315 directed to offer immediate advice and resources to all schools and school districts to improve  
1316 collaboration opportunities for all teachers, with the understanding that teacher training offered  
1317 digitally should make a better, not worse, use of valuable teacher time. While assistance to  
1318 improve group collaboration access should begin immediately, the (*insert appropriate agency*) is  
1319 directed to include recommendations in the comprehensive strategy on the best ways to offer  
1320 guidance and assistance to schools and school districts to allow greater collaboration for all  
1321 teachers through various methods, including professional learning communities.

1322  
1323 *COMMENT:*

1324 *The American Federation of Teachers, working with Britain’s TES Connect, has developed Share*  
1325 *My Lesson (<http://www.sharemylesson.com>), a free digital platform for teachers to collaborate and*  
1326 *share high-quality lesson plans. As of mid-June, the site already contained 180,000 resources for*  
1327 *teachers, including a dedicated resource bank for the common core standards. This innovative and*  
1328 *free online tool is an example of the opportunities for teachers to collaborate more in an increasingly*  
1329 *digital world. (See <http://www.aft.org/newspubs/press/2012/061912.cfm>.)*

1330  
1331 § 2.607 Statewide Monitoring of Professional Development and Innovation

1332  
1333 **(OPTION A)**

1334  
1335 (a) The legislature hereby creates the Effective Teaching and Innovation Advisory Council to  
1336 monitor continuing education and professional development offered statewide using both digital  
1337 and traditional means, and to offer recommendations to improve it. The advisory council  
1338 becomes effective on the first day after the comprehensive strategy is finalized. The council will  
1339 work to ensure that all public school teachers at all public schools are offered high-quality  
1340 professional development courses, and will examine promising practices in innovation. Through

1341 a majority vote, the council may make recommendations to the *(insert appropriate agency)* and  
1342 the legislature.

1343  
1344 (b) The advisory council shall meet no less than once per quarter and will be comprised of 16  
1345 members, 15 of whom are voting members. Terms will be four years in length and staggered so  
1346 that five members' terms end each year. The governor will appoint the 14 voting members and  
1347 has sole discretion to stagger the initial terms of all council members selected other than the chair  
1348 as follows: five two-year terms, five three-year terms, and five four-year terms. All subsequent  
1349 appointments will be for four-year terms. Council members will receive reimbursement for  
1350 reasonable expenses associated with the appointment as defined by state law and be eligible for a  
1351 per diem payment when the council meets or a member conducts business on behalf of the  
1352 council.

1353  
1354 (c) The advisory council shall consist of the members listed below.

1355  
1356 (1) The chief state school officer or designee, who will automatically be a  
1357 member and who will chair the council. The chair shall be a nonvoting member  
1358 except in the case of a tie vote.

1359  
1360 (2) One member of the *(insert appropriate agency)* recommended by that body.

1361  
1362 (3) One principal of a public school.

1363  
1364 (4) Eight school teachers, including one public elementary school teacher, one  
1365 public middle school teacher, one public high school teacher, and one who is  
1366 experienced in offering instruction in an online environment. At least one teacher  
1367 must be recommended by each professional teaching organization.

1368  
1369 **COMMENT:**

1370 *Teachers should make up the bulk of the advisory council.*

1371  
1372 (5) Three representatives who are instructors in teacher education and state  
1373 teacher preparatory programs at a state higher education institution.

1374  
1375 (6) One member of the business community.

1376  
1377 **COMMENT:**

1378 *The makeup of the council may vary from state to state—the structure above is only one option.*  
1379 *However, if a state decides to create an advisory council, that body should predominantly include*  
1380 *teachers and at least one of the other categories listed above. States must also use their discretion to*  
1381 *decide if appointments must be made with the advice and consent of the state senate or whatever*  
1382 *legislative mechanism individual states use to approve nominees.*

1383  
1384 **(OPTION B)**

1385  
1386 The *(insert appropriate agency)* will monitor all teacher training, continuing education, and  
1387 innovation offered statewide using both digital and traditional means, and offer

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1388 recommendations to improve it. Audits for the program must occur on a yearly basis.  
1389 Evaluations and comments from teachers, principals, and other school leaders must be  
1390 considered in the audit process. The (*insert appropriate agency*) will issue a report to the  
1391 legislature on a yearly basis.

1392  
1393 **COMMENT:**

1394 *Some states may prefer that the state board of education, the chief state school officer, or some other*  
1395 *agency monitor teacher training. The state should be allowed to do what is in its best interests.*

1396 *However, it is recommended that some type of formal monitoring mechanism be implemented to*  
1397 *ensure that high-quality teacher training is maintained and that the best value is being gained for*  
1398 *any public funds being expended. Whatever mechanism is selected, teachers should be involved in*  
1399 *the monitoring program.*

1400

1401 § 2.608 Promoting Teacher Innovation in Schools and Local School Districts

1402

1403 (a) Pilot program for teacher innovation taskforces.

1404

1405 The legislature directs the (*insert appropriate agency*) to implement a pilot project to infuse an  
1406 independent teacher innovation taskforce in select pilot schools and school districts. Principals,  
1407 in conjunction with district leaders, will select the members of the taskforce for their leadership,  
1408 instructional expertise, and ability to collaborate with other teachers. To allow flexibility for the  
1409 different needs of individual schools, the effort may be part of a school improvement team. The  
1410 innovation taskforce will plan, help develop, and evaluate the professional development and  
1411 continuing education programs being offered to measure their effectiveness and sustainability.  
1412 Additionally, these taskforces will encourage and seek new innovative learning methods from  
1413 teachers that may be adopted and duplicated elsewhere. The taskforces will include at least seven  
1414 members, including a library media specialist and the principal. Pilot school and school district  
1415 taskforces may make recommendations to the (*insert appropriate agency*) on new ways to  
1416 promote innovation throughout the state public school system.

1417

1418 **COMMENT:**

1419 *This pilot program should be an incentive for teachers and schools to be more innovative. It is*  
1420 *important that this not become an administrative burden for the pilot schools or an opportunity to*  
1421 *simply check a compliance box. That would defeat the purpose of infusing more technology into*  
1422 *schools to add flexibility. Instead, these taskforces should have added flexibility to promote cutting-*  
1423 *edge teaching and learning innovation. Leadership from the principal and enthusiasm from the*  
1424 *teachers is vital for the pilot project to be a success and become a model for other schools. Many*  
1425 *schools may be able to implement such a program on their own or are already doing so, but the*  
1426 *development of a pilot program should encourage many other schools to think about innovation on a*  
1427 *regular basis and promote greater collaboration among education professionals.*

1428

1429 (b) Recognition for innovative learning methods.

1430

1431 The legislature directs the (*insert appropriate agency*) to begin a system to award the most  
1432 promising and innovative learning methods put forward by teachers in individual schools and  
1433 school districts. Schools and school districts may nominate deserving teachers, programs, and  
1434 schools for innovation. The (*insert appropriate agency*) will determine the rules and plans for the

1435 award system that should include incentives for teachers to think creatively and share ideas with  
1436 other colleagues.

1437  
1438 § 2.609 Offering Enhanced Digital Learning Teacher Preparatory Programs at State Colleges and  
1439 Universities

1440  
1441 The legislature directs the (*insert appropriate agency*) and the governing boards for the public  
1442 post-secondary higher education institutions to implement a plan for education students training  
1443 for a professional career in teaching to receive teacher preparatory training in how to provide  
1444 digital instruction effectively, in a blended or online setting, and how to help design educational  
1445 paths for each student. The (*insert appropriate agency*) is also directed to make any required  
1446 changes in the certification process to ensure that teachers are receiving adequate training in their  
1447 preparatory programs and to offer alternative programs not part of the higher education system.

1448  
1449 ***COMMENT:***

1450 *Higher education teacher training programs are an important part of the path to improve education*  
1451 *through more digital education options such as those provided from blended and online learning.*  
1452 *Offering instruction to future teachers in how to teach and create education design that personalizes*  
1453 *learning for their students must be part of all future teacher training.*

1454  
1455 § 2.610 High-Quality Online and Blended Learning Teachers

1456  
1457 (a) The legislature directs the (*insert appropriate agency*) to assure the public that teachers  
1458 offering instruction digitally or through online delivery, in either full synchronous or  
1459 asynchronous online classes or in blended learning environments, are of high quality in their  
1460 field of expertise and that they are trained adequately in how to deliver instruction in the method  
1461 with which they are teaching.

1462  
1463 (b) Teachers delivering instruction over the internet, whether through a public, private, nonprofit,  
1464 or charter (if applicable) online learning approved provider that is part of the Statewide Online  
1465 Network (see Article III, Part 4), must have expertise in the subject area they are teaching, the  
1466 ability to offer high-quality instruction online, and the competency to offer instruction digitally  
1467 through their knowledge and career experience. Specific requirements are listed below.

1468  
1469 (1) Has certification to teach in the state or certification to teach in a state with a  
1470 reciprocity agreement and online training.

1471  
1472 (2) Is qualified and certified to teach the subject matter or qualified to teach the subject  
1473 matter through specific career and educational expertise.

1474  
1475 (3) Has training and demonstrated understanding of the state standards for the subject  
1476 being taught.

1477  
1478 (4) Has training and demonstrated understanding in how to deliver high-quality content to  
1479 a student online including a minimum of (*insert # of hours of training*) and professional  
1480 development in how to teach a class online prior to doing so.

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**COMMENT:**

*States will need to decide the minimum hours of training it believes are needed to ensure high-quality online teachers. In the future, just as education moves students from a system based on seat time, future professional development for teachers should consider systems that are more focused on teachers gaining mastery over important areas and not hours spent on professional development. This could lead to a system that combines the number of required hours the teacher uses for professional development with an actual assessment on the mastery learned by the teacher in the course, earning them a badge for the skill they master.*

*There are varying opinions on the number of hours an online teacher should receive for professional development training. There are studies tied to the traditional face-to-face teacher that indicated that 49 hours of professional development for traditional teachers boosted student achievement by approximately 21 percentile points while professional development that ranged from 5 to 14 hours did not show a statistical effect on student learning. (See B. Birman, K. C. LeFloch, A. M. Klekotka, J. Taylor, K. Walters, A. Wayne, and K. S. Yoon, *State and Local Implementation of the No Child Left Behind Act, Volume II—Teacher Quality Under NCLB: Interim Report* (Washington, DC: U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service, 2007.)*

*Conversely, the state of Wisconsin passed legislation that requires any person teaching in an online course on July 1, 2010, or after to have at least 30 hours of professional development training. (See *Legislative Brief 08-6*, Wisconsin Legislative Reference Bureau, May 2008.) Two online advocates have noted that the Wisconsin provision requiring 30 hours of training before teaching online is reasonable without being excessive. (See Susan Patrick, president and CEO of iNACOL, and Tom Vander Ark, chair of iNACOL, “Viewpoint: Authorizing Online Learning,” *National Association of Charter School Authorizers* [http://www.inacol.org/research/docs/Vander%20Ark-Patrick%20Cyber%20Learning%20Viewpoint\\_August%202011.pdf](http://www.inacol.org/research/docs/Vander%20Ark-Patrick%20Cyber%20Learning%20Viewpoint_August%202011.pdf).)*

*As online learning becomes more prevalent, research must continue to be conducted on the best ways to offer professional development for both online and traditional classroom teachers in a manner that makes the most sense based on the type of instruction being offered.*

(5) All online teachers in the employ of an approved provider must meet the National Standards for Quality Online Teaching developed in 2011 by the International Association for K–12 Online Learning. The legislature directs the Statewide Online Learning Network, in cooperation with the Each Child Learns Act Comprehensive Strategy Taskforce, to implement rules, standards, and practices to ensure compliance with this provision.

**COMMENT:**

*The International Association for K–12 Online Learning (iNACOL) issued an update of this report in 2011. The ten standards are a set of guidelines for quality online teaching, and states should undertake a process to ensure compliance with them. iNACOL’s minimum standards offer excellent guidance on the best ways for teachers to offer instruction digitally, particularly online teachers. It is highly recommended that states align state standards to the iNACOL minimum standards. (See *International Association for K–12 Online Learning, National Standards for Quality Online Teaching, Version 2, October 2011*, [http://www.inacol.org/research/nationalstandards/iNACOL\\_TeachingStandardsv2.pdf](http://www.inacol.org/research/nationalstandards/iNACOL_TeachingStandardsv2.pdf).)*

(6) Has training and demonstrated understanding in online security and protecting children exposed to online content.

1533 (7) Is readily available to communicate with students on a daily basis.

1534  
1535 (8) All teachers delivering instruction over the internet, whether through a public, private,  
1536 nonprofit, or charter (if applicable) online learning provider must take at least one  
1537 additional teacher training class each year after they have met the (*insert # of hours of*  
1538 *training*) required in Article III, Part 4 on how to deliver high-quality digital content and  
1539 instruction online that demonstrates their competency in digital content and instruction.

1540  
1541 (9) All public school teachers instructing students in a blended learning environment  
1542 must be provided with and take at least one professional development class each year on  
1543 how to deliver high-quality digital content in a blended environment.

1544  
1545 **COMMENT:**  
1546 *Teachers offering instruction online or in a blended class need initial training in how to effectively*  
1547 *teach in a digital environment and need to stay up-to-date on new methods. Technology changes*  
1548 *rapidly, and teachers must keep up with those changes. Teacher training is as important as having*  
1549 *access to digital content and technological tools.*

1550  
1551 (c) The Statewide Online Learning Network (see Article III, Part 4) must establish an alternative  
1552 online teacher certification process that allows for professionals who have demonstrated mastery  
1553 of certain subject matter or pedagogy to gain certification to teach an online class.

1554  
1555 **COMMENT:**  
1556 *One of the great fears about digital learning, particularly in relation to online learning, is that it will*  
1557 *be easier for less qualified teachers to start educating students. States must balance the need for great*  
1558 *teachers—particularly in difficult-to-staff subject areas, like physics—with the equally important*  
1559 *need to find professionals trained in their field who are also able to offer instruction and understand*  
1560 *student needs. Allowing more flexible alternative certification plans for nonprofessional teachers*  
1561 *while maintaining high-quality teacher standards across the board must be considered by every*  
1562 *state. The goal should be to allow an exceptional candidate in their field, such as a rocket scientist, to*  
1563 *have an opportunity to teach a subject such as physics after an alternative certification process that*  
1564 *ensures that they not only understand the content but also can effectively deliver it to students. Being*  
1565 *a rocket scientist alone does not make an individual qualified to teach, but a professional with such a*  
1566 *background and the required subject-matter knowledge can learn how to offer the pedagogy, thus*  
1567 *filling a void in many schools.*

1568  
1569 (d) Online teachers instructing through the Statewide Online Learning Network will be evaluated  
1570 and held accountable by student learning data, subject mastery, and improvement.

1571  
1572 § 2.611 Training Public School Teachers in the Effective Use of Technology

1573  
1574 (a) The legislature directs the (*insert appropriate agency*) to provide technology training as part  
1575 of the professional development program. All public school teachers must be trained as part of  
1576 their professional development in the most effective ways to use the technological tools in their  
1577 classrooms. This training should include not only how the different types of technology work,  
1578 but also how they can be best utilized to promote innovation, improve the quality of the learning,  
1579 and be cost-effective while in a system driven by student outcomes and competency-based  
1580 learning.

1581  
1582 (b) The training must include all technology that a public school teacher may use, including but  
1583 not limited to the items listed below.

1584  
1585 (1) Interactive technology used in classrooms, labs, libraries, or other school settings.

1586  
1587 (2) Mobile internet access devices.

1588  
1589 (3) Mobile applications.

1590  
1591 (4) Online content and any other technology at use presently or developed in the future  
1592 for use in the classroom or as part of the public school system learning process.

1593  
1594 *COMMENT:*  
1595 *Legislatures must take care to not prescribe specific types of technology. What was innovative at the*  
1596 *time of passage may be obsolete by the time of implementation. Legislation should provide for*  
1597 *adaptability as technology changes and improves.*

1598  
1599 (c) All public school teachers must be provided with and take at least one professional  
1600 development class each year on how to use technology effectively. The training must include all  
1601 the various types of technology they are being asked to utilize in their classroom.

1602  
1603 (d) All teachers must be given access to technical assistance at all times during school hours to  
1604 assist in using technology effectively and troubleshooting.

1605  
1606 *COMMENT:*  
1607 *Technology has been too often offered as a solution in schools with too little thought about the*  
1608 *policies, processes, and teacher training necessary for it to succeed. Personalized learning cannot*  
1609 *successfully be implemented without technology; it also cannot be successfully implemented without*  
1610 *the technology being used effectively by the teachers and students in the manner in which it was*  
1611 *designed.*

1612  
1613

1614 Each Child Learns Act—Article III.—Transformation to 21st-Century Digital  
1615 Learning

1616

1617

Part 1. General Guidance

1618

1619 § 3.101 Short Title

1620

1621 This article may be cited as Each Child Learns Act—Transformation to 21st-Century Digital  
1622 Learning.

1623

1624 § 3.102 Summary

1625

1626 Great teaching combined with digital learning is the foundation necessary to personalize learning  
1627 for each child. Transforming to a system driven by high-quality digital learning provides the best  
1628 opportunity to transform the public school system to meet the demands of the 21st century by  
1629 increasing high-quality learning options for every student, maximizing the role of teachers, and  
1630 providing a more cost-effective yet improved high-quality learning experience for every student.

1631

1632

*COMMENT:*

1633

1634

1635

1636

1637

1638

1639

1640

1641

1642

*The Alliance for Excellent Education defines digital learning in the policy document “The Digital Learning Imperative” as “any instructional practice that is effectively using technology to strengthen the student learning experience. Digital learning encompasses a wide spectrum of tools and practice, including using online and formative assessment, increasing focus and quality of teaching resources and time, online content and courses, applications of technology in the classroom and school building, adaptive software for students with special needs, learning platforms, participating in professional communities of practice, providing access to high level and challenging content and instruction, and many other advancements technology provides to teaching and learning.” (See Culture Shift: Teaching in a Learner-Centered Environment Powered by Digital Learning, May 2012, <http://www.all4ed.org/files/CultureShift.pdf>.)*

1643

1644 § 3.103 Legislative Intent

1645

1646 It is the intent of the legislature that the state public school system allow new and innovative  
1647 instructional models and extended learning opportunities that are enabled, at least in part,  
1648 through high-quality digital learning options available in public schools and communities. These  
1649 options include blended learning instructional models, project-based learning enabled by  
1650 technology-rich instruction models facilitated by great teachers, student-centered self-blending  
1651 provided through online learning by state-approved providers, extended learning opportunities  
1652 such as afterschool programs and informal online learning options, and improved technology  
1653 infrastructure, including the use of internet access devices to create a modern public school  
1654 system that ensures that each child learns in a high-quality manner. Great teaching combined  
1655 with digital learning will be the driving force for personalizing and improving the learning of  
1656 each child, modernizing the public school system, and creating a more efficient learning model  
1657 that is cost-effective and better utilizes time while providing a high-quality college- and career-  
1658 ready education system.

1659

Part 2. Transitioning to 21st-Century Learning Models and Instruction

§ 3.201 Summary

Innovative instruction models such as blended learning offer excellent opportunities for schools to improve, to become more personalized, and to become more efficient in delivering education. Blended learning utilizes personalized learning options, combining the strength of traditional teaching with the help of technology such as digital learning devices and high-quality online content to teach each student in the most effective way for them to learn individually. In a high-quality blended learning environment, data-driven personalized learning paths delivered through technology help move the students through their learning and assist teachers in designing the right educational path for each student. Other models such as technology-rich instruction enable more flexibility and efficiency in student learning and promote innovative practices such as technology-enhanced project-based learning and team teaching. Teachers remain the most important component of student success, but they must have high-quality digital learning options and technology for them to be successful teaching in a personalized and competency-based system in a 21st-century model.

**COMMENT:**

*The Innosight Institute has written extensively on the subject of blended learning. In “Classifying K-12 Blended Learning,” the authors define blended learning as “a formal education program in which a student learns at least in part through online delivery of content and instruction with some element of student control over time, place, path, and or pace and at least in part at a supervised brick-and-mortar location away from home.” The report also offers four descriptions of the types of blended learning models currently being utilized by various innovative schools from around the country. The Alliance has used the Innosight definition in several policy documents and presentations on digital learning. (See H. Staker and M. B. Horn, “Classifying K–12 Blended Learning,” Innosight Institute, May 2012, <http://www.innosightinstitute.org/innosight/wp-content/uploads/2012/05/Classifying-K-12-blended-learning2.pdf>.)*

§ 3.202 Legislative Intent

The legislature directs the (*insert appropriate agency*) to conduct as part of the Each Child Learns Act Comprehensive Strategy a study and plan to transition all public schools in all grades, K–12, to a modern 21st-century learning instruction system that promotes teacher-led innovation. Part of the study will include a pilot program to be implemented within the public school system, available on the first day of the school year immediately after passage of this act, that will focus on transitioning to blended learning or technology-enhanced project-based learning models and will encourage extended learning options to maximize time outside of a traditional school setting.

**COMMENT:**

*Project-based learning is an instructional model that encourages student collaboration, usually involves combining multiple subject matters (such as algebra and physics), and is driven in part by teacher design and the effective use of technology. It promotes a deep understanding of the subject matter that is designed to fully prepare students for success in the 21st century. There are a number of programs across the country focused on project-based learning, including the New Tech Network*

1707 *(see <http://www.newtechnetwork.org>) and the High Tech High integrated network (see*  
1708 *<http://www.hightechhigh.org>).*

1709  
1710 § 3.203 Flexibility

1711  
1712 Transitioning to a 21st-century learning system through innovative instruction models should  
1713 allow for a flexible process depending on the school and class, structured in ways that allow for  
1714 blending the best of face-to-face teaching and successful use of technology and digitally  
1715 delivered content, and personalized as much as possible for each student, to allow more  
1716 interaction and individual assistance from the teacher. Blended learning and project-based  
1717 learning allows for more learning time in small groups while freeing up the teacher to spend  
1718 more time teaching and less time lecturing. Waivers to suspend class size and teacher ratios will  
1719 be granted for all schools that move to an innovative instruction model, if the model meets the  
1720 state criteria and the suspension is necessary for success. Schools must have a specific plan to  
1721 ensure that students are receiving more, not less, time from teachers, and teachers must have  
1722 adequate resources and training to potentially instruct more students.

1723  
1724 § 3.204 Program Design and Timeline of Implementation

1725  
1726 (a) Program design.

1727  
1728 The *(insert appropriate agency)* is hereby directed to begin an implementation plan with the goal  
1729 of undertaking steps for every public school, K–12, to be transformed into a 21st-century model.  
1730 The comprehensive strategy should include recommendations and a timeline for such  
1731 implementation. The program should be aligned and in conjunction with the plans to implement  
1732 competency-based learning (see Article II, Part 3), digital formative and summary assessments  
1733 (see Article II, Part 4), and personalized learning plans (see Article II, Part 5) in all public  
1734 schools and for every K–12 grade. The planning process will be part of the Each Child Learns  
1735 Act Comprehensive Strategy and must be fully transparent and include input from parents,  
1736 teachers, school administrators, students, and the public. The program design will include  
1737 opportunities for every school and school district to comment and offer information for parents  
1738 and seek input and questions from them and students. Research of data and a full exploration of  
1739 successful and promising practices of blended learning and project-based learning from other  
1740 states and around the world must be carefully examined and considered in the process.

1741  
1742 (b) Timeline for implementation.

1743  
1744 Immediately after the passage of the Each Child Learns Act, the *(insert appropriate agency)* will  
1745 begin a study of various examples and promising practices, including blended learning and  
1746 project-based learning from around the country. All students, parents, public school teachers, and  
1747 other possible stakeholders will be surveyed, as determined by the *(insert appropriate agency)*,  
1748 to get their input. The results of the research and surveys must be included in the Each Child  
1749 Learns Act Comprehensive Strategy as well as data from the pilot program. Schools and school  
1750 districts must have plans in place to begin transitioning to more innovative 21st-century  
1751 instruction models that meet the recommendations of the statewide comprehensive strategy by

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1752 the first day of the school year immediately after the comprehensive strategy is finalized,  
1753 consistent with the recommendations and timeline in the strategy.

1754  
1755 (c) Pilot schools and school districts.

1756  
1757 The (*insert appropriate agency*) will design a process to select schools and school districts for  
1758 participation in a pilot project to implement innovative instruction models such as blended  
1759 learning and technology-enhanced project-based learning immediately after passage of this act.  
1760 At least one elementary, middle, and high school must be selected, and every grade, K–12, must  
1761 be included in the pilot school program. Additionally, schools from a variety of geographic  
1762 districts—urban, suburban, and rural—should also be selected. Schools may apply to be  
1763 considered for the pilot program. The (*insert appropriate agency*) will provide specialized  
1764 guidance, additional resources, and funds to implement the plans for pilot schools. The (*insert*  
1765 *appropriate agency*) will determine the number of schools beyond the minimum set by this act  
1766 for the pilot project and establish a system to select schools for inclusion in the pilot. Priority for  
1767 selection will be given to schools that are poor performing, schools that are struggling due to a  
1768 lack of economic resources and funding, schools located in high-poverty areas, and schools with  
1769 high numbers of disabled, minority, or English language learning students. The pilot program  
1770 will become operational on the first day of school of the school year after passage of this act.

1771  
1772 (d) Final plan for innovative instruction models.

1773  
1774 The (*insert appropriate agency*) will submit a final plan for transitioning schools into 21st-  
1775 century models to the legislature as part of the Each Child Learns Act Comprehensive Strategy.  
1776 The legislature may comment and/or take action on the plan. The plan must detail how the  
1777 transformation to innovative instructional models will be implemented in the public schools,  
1778 offer recommendations for funding streams, and provide any additional changes in law that are  
1779 required to implement the plans statewide.

1780  
1781 **COMMENT:**

1782 *The National Education Association, in a 2011 policy brief, announced its support of blended*  
1783 *learning instruction models when the instruction is delivered by a licensed teacher. The NEA defines*  
1784 *blended learning as “an environment in which a student learns in a ‘blended’ model of face-to-face*  
1785 *instruction with a licensed teacher and technology-based instruction that best meets the educational*  
1786 *needs of the student. During the technology-based instruction, under the guidance of the teacher, the*  
1787 *student has control over the time, place, path, and/or pace of the curriculum to form an integrated*  
1788 *instructional approach. NEA supports the effective use of technology as a companion to classroom*  
1789 *learning.” (See <http://www.nea.org/assets/docs/PB36blendedlearning2011.pdf>.) While there are still*  
1790 *some differences between various organizations’ definitions of blended learning, the discussion for*  
1791 *more inclusion of personalized and innovative instructional models like blended learning is gaining*  
1792 *traction across the nation.*

1793  
1794 (e) Final implementation.

1795  
1796 The final implementation plan will go into effect on the first school day of the school year  
1797 immediately after the comprehensive strategy is finalized by the legislature. The 21st-century  
1798 model plan and requirements may be modified by the (*insert appropriate agency*) on an as-

1799 needed basis with evaluation and feedback from parents, students, teachers, other school  
1800 personnel, and the public.

1801  
1802 § 3.205 Innovative Instruction Turnaround Model  
1803

1804 (a) Schools are the center of many communities, whether in urban, suburban, or rural areas. They  
1805 give communities a unique identity and provide many needed benefits beyond the school day.  
1806 Yet many community schools are struggling to adequately educate their students or are suffering  
1807 because of economic reasons and/or a lack of resources.

1808  
1809 (b) Blended learning in particular offers unique opportunities for schools that are struggling to  
1810 reach the academic goals of their students, suffer from high dropout rates, or have other factors  
1811 leading to poor competency. It also offers schools struggling for economic reasons or a lack of  
1812 teachers an alternative to being shut down.

1813  
1814 (c) The (*insert appropriate agency*) is hereby directed to begin an immediate pilot project to  
1815 offer an innovative instruction turnaround model as an alternative to shutting down a school or  
1816 having massive personnel changes such as teacher layoffs. Schools in jeopardy chosen for the  
1817 pilot program may apply for a waiver to stay open for a three-year period if they have a complete  
1818 transition to an innovative instruction turnaround model that is approved by the (*insert*  
1819 *appropriate agency*). At the end of the three-year period, the (*insert appropriate agency*) will  
1820 reevaluate the school based on student data and an established set of clear criteria to see if it has  
1821 been satisfactorily turned around.

1822  
1823 § 3.206 Extended Learning Opportunities Study and Pilot Programs  
1824

1825 The legislature directs the (*insert appropriate agency*) to study options to allow for extended  
1826 learning for students to maximize time not spent in traditional school or taking online classes  
1827 such as before-school, afterschool, and summer programs that offer additional learning  
1828 opportunities. Looking at new and innovative ways to continually help students learn is of  
1829 paramount importance in improving the education system. The Each Child Learns Act  
1830 Comprehensive Strategy must include research, analysis, and proposals to implement more  
1831 extended learning opportunities throughout the state. The (*insert appropriate agency*) will design  
1832 a process to select community libraries and nonprofit organizations for a pilot project to expand  
1833 and/or implement extended learning opportunities throughout the state that utilize technology as  
1834 part of the program. The (*insert appropriate agency*) will design a pilot program and eligibility  
1835 criteria to begin the important process of allowing additional learning opportunities for all  
1836 children.

1837  
1838 Part 3. Online Learning Opportunities: Statewide Online Learning Network  
1839

1840 § 3.301 Summary  
1841

1842 It is the intent of the legislature that each child who is eligible to attend public school in grades  
1843 K–12 is eligible to take an online class from an approved state provider that offers courses

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1844 through the Statewide Online Learning Network, funded fully with public funds at the designated  
1845 price set by the state.

1846

1847 § 3.302 Legislative Intent and Timeline

1848

1849 The Statewide Online Learning Network will act in a similar capacity as a local educational  
1850 authority by administering all state-approved online providers and taking responsibility for all  
1851 students taking state-approved online classes. The network will be administered by the (*insert*  
1852 *appropriate agency*) as established in Part 4 of Article III of the Each Child Learns Act. All  
1853 children eligible to attend a public school, not just those enrolled in a public school, in the state  
1854 may take any approved online class. Students enrolled in a public school may take an online  
1855 class as part of their personalized learning path if it is appropriate for their grade and/or subject  
1856 knowledge and/or as an alternative to taking a class in a traditional brick-and-mortar public  
1857 school. Parents will have the final decision on whether their child will take an online class. The  
1858 Statewide Online Learning Network should be operational by the first day of school in the first  
1859 school year after the Each Child Learns Act is passed by the legislature. During the  
1860 comprehensive strategy process for the Each Child Learns Act, the network will operate as an  
1861 immediate pilot program.

1862

1863 **COMMENT:**

1864 *The Digital Learning Council released the “10 Elements of High Quality Digital Learning” in*  
1865 *December 2010. Many of those elements address eligibility issues for students to take an online class*  
1866 *paid for by the public expense. All students eligible to attend a public school should also be eligible to*  
1867 *attend a school provided online as long as it is high quality and regulated by a state authority. Part 3*  
1868 *of the Each Child Learns Act sets up the eligibility structure of such a system and provides a strong*  
1869 *regulatory framework to regulate it. Any provider receiving public money to fund student learning*  
1870 *must be held accountable to the state to ensure high-quality learning and the best value for taxpayer*  
1871 *money.*

1872

1873 § 3.303 Student Eligibility

1874

1875 Every child who meets the eligibility criteria to attend public school in the state is eligible to take  
1876 an online class offered by an approved provider through the Statewide Online Learning Network.

1877

1878 **COMMENT:**

1879 *This is one of the fundamental recommendations of the Digital Learning Council. Any student who*  
1880 *meets the minimum residency requirements to attend a public school may take an online class*  
1881 *offered by an approved provider. This requirement reflects that same sentiment. If a provider, public*  
1882 *or private, is approved to offer courses through a state-run and -funded network, then any child*  
1883 *should be able to take advantage of it. In many cases, students who have no current connection to the*  
1884 *public school system will by default come back into the system, on at least a partial basis, if they are*  
1885 *eligible to take a class offered by an approved provider from the Statewide Online Learning*  
1886 *Network.*

1887

1888 (a) Every child attending a public school in every grade, K–12, is eligible to take an approved  
1889 online class from a state-approved provider through the publicly funded Statewide Online  
1890 Learning Network pool. Eligibility includes the students listed below.

1891

1892 (1) All elementary school students in the state eligible for public school.

1893

1894 (2) All middle school students in the state eligible for public school.

1895

1896 (3) All high school students in the state eligible for public school.

1897

1898 (b) Every child eligible to attend public school, but not doing so, is eligible to take an approved  
1899 online class from a high-quality online class provided by a state-approved provider at public  
1900 expense. Full eligibility includes the students listed below.

1901

1902 (1) All currently enrolled public school students.

1903

1904 (Optional language for states with charter schools should specify, “including charter school  
1905 students.”)

1906

***COMMENT:***

*States with charter schools should include the optional language to ensure that all students are eligible to take an online class.*

1910

1911 (2) All home-schooled students eligible for public school.

1912

1913 (3) All currently enrolled private school students eligible for public school.

1914

1915 (c) Eligible students are not required to have ever attended public school to remain eligible to  
1916 take a class paid for by public funds and provided by an approved provider in the Statewide  
1917 Online Learning Network, nor are school districts or schools allowed to make such a  
1918 requirement.

1919

1920 (d) All eligible students may enroll in an online class at any time during the school year if the  
1921 student meets the academic prerequisites for the course, the course is open for enrollment, and  
1922 the course capacity as established by the approved provider has not been reached.

1923

1924 (e) Eligible students are allowed to take online classes from multiple providers. Students may  
1925 mix and match courses they select and enroll in classes offered by multiple state-approved  
1926 providers.

1927

***COMMENT:***

*Some online providers may be a better match for a particular student in one subject area while a different online provider or a traditional class offered in a brick-and-mortar school may fit better in another area. Students should take classes in a manner that ensures their best chance for learning success and course mastery.*

1933

1934 (f) There is no geographical requirement attached to the online personalized learning  
1935 opportunity, such as dictating where the offices are for the approved online provider, specifying  
1936 where the student lives, or applying other regulations, such as line-of-sight rules, that are  
1937 applicable in some education situations but not in online class situations. Approved providers do

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1938 not have to have a physical location in the state (such as a field office). However, they must have  
1939 a designee within their organization who will act as the official representative to the state and the  
1940 public. All contact information for the representative must be made public and be listed on all  
1941 official documents and the website for the Statewide Online Learning Network. Additionally,  
1942 teachers of online classes for an approved provider must maintain regular contact with their  
1943 students and have their contact information, including a weekend telephone number, available  
1944 for students.

1945  
1946 **COMMENT:**

1947 *Because online learning is an internet-driven activity, students can be anywhere to take an online*  
1948 *class as long as they have the technology and access to the internet. Likewise, teachers can be*  
1949 *anywhere as long as they have the required connectivity to teach the class and communicate with*  
1950 *their students. Additionally, requiring an office to be located in a state will do nothing to ensure*  
1951 *quality or best value for public funds. Instead, a good oversight mechanism that provides a long-arm*  
1952 *way to monitor learning and quality is sufficient. Contractors from around the country routinely do*  
1953 *business with governments in states where they do not have a physical location. The fear of being*  
1954 *disbarred should be the driving force to ensure quality for any private provider. Each approved*  
1955 *provider should have a designated contact for the network, and each teacher may be readily*  
1956 *accessible by students.*

1957  
1958 (g) There is no limit to the number of credits a student may earn online to meet the state credit  
1959 requirements for high school graduation. Students may take online classes on a full-time basis or  
1960 may self-blend their education by taking one online class at a time in combination with classes at  
1961 a brick-and-mortar school.

1962  
1963 **COMMENT:**

1964 *As the network expands, states may consider offering a high school diploma through the approved*  
1965 *provider network.*

1966  
1967 (h) Parents or legal guardians may enroll their children in any state-approved online class  
1968 through the Statewide Online Learning Network. In all cases, the results of the personalized  
1969 learning path (see Article II, Part 5) for public school students should be discussed and  
1970 considered by the parents and legal guardians with the public school teachers and counselors  
1971 when planning the student's course work schedule. The final decision will rest with the parents.

1972  
1973 § 3.304 Digital Learning Graduation Requirement

1974  
1975 (a) To prepare for success in college and a career, high school graduates should have experienced  
1976 at least some learning using high-quality digital content delivered primarily in an online  
1977 environment. Post-secondary education, career training, and professional development is now  
1978 utilizing delivery of digital content online on an expanded basis, and having an understanding of  
1979 this type of digital learning is an important part of college and career readiness.

1980  
1981 **COMMENT:**

1982 *This provision was one of the more debated topics by the Digital Learning Council and continues to*  
1983 *garner much debate. Many advocated that students need the skills and ability to take an online class*  
1984 *and taking at least one class online should be part of their college and career preparation. Others*  
1985 *argued that requiring students to take an online class was not in the spirit of allowing more student*

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ALLIANCE FOR EXCELLENT EDUCATION

FOR PUBLIC COMMENT

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*flexibility in choosing learning options best suited for each individual student. Regardless, many states are moving forward with this requirement. It is included here to offer perspective and options on the best way to implement such a provision. As digital learning becomes a larger part of the instruction process, this provision could be reconsidered.*

(b) The legislature requires that every public high school student take a state-approved online or blended learning college- or career-preparatory course as a requirement for graduation beginning the first school year that the Statewide Online Learning Network is in place.

(1) The class must be a full-time online class.

(2) An online experience in a blended learning class in which at least a significant proportion of the curriculum and content is delivered online, or a specially designed class by the *(insert appropriate agency)* that delivers at least some content online that specifically focuses on teaching students how to work with content delivered online and offers training in the best ways to use technology and digital content aligned to college and career standards.

**COMMENT:**

*The Each Child Learns Act Comprehensive Strategy Taskforce should conduct research of various blended learning classes from around the country to determine the amount of minimum online experience as part of a blended model that satisfactorily meets this requirement.*

(c) The *(insert appropriate agency)* is authorized to make any rules regarding the digital high school graduation requirement that meets the intent of the legislature that every public high school student must take an online class or have at least one major online class experience prior to high school graduation to prepare them for college and/or a career.

(d) The legislature authorizes the *(insert appropriate agency)* to issue guidance and rules to provide waivers, on a case-by-case basis, for students suffering from special circumstances or health or physical issues that may prevent them from being able to fulfill this requirement.

**COMMENT:**

*At least four states—Alabama, Florida, Idaho, and Michigan—already have a graduation requirement for students to take an online class. As digital learning becomes more ingrained in the school system and blended learning becomes more prevalent, this requirement may become redundant, since the goal of this legislation is to help students to eventually become adept in and use digital content as part of their everyday learning.*

## Part 4. Oversight of the Statewide Online Learning Network

### § 3.401 Summary

Taking a class or classes fully from an approved online provider class is an option that will give enhanced opportunities for each child to take a course that may not be available at their school or an alternative to taking a course from a public school. It allows students who attend all kinds of schools, whether public, private, charter (if applicable), or home, with additional options to take

2033 a high-quality course. Online learning offers credit recovery options and other flexible  
2034 alternatives for each child with unique circumstances. Operating such a network will require a  
2035 strong but flexible oversight and administration process that safeguards public funds and ensures  
2036 student learning while providing flexible guidelines that promote innovation.

2037  
2038 § 3.402 Legislative Intent

2039  
2040 The legislature directs the (*insert appropriate agency*) to create the Statewide Online Learning  
2041 Network, a pool of multiple online learning providers approved by the (*insert appropriate*  
2042 *agency*) that will offer high-quality online classes for each child eligible to attend public school.  
2043 It is the intent of the legislature that each child who meets the online learning eligibility  
2044 requirements will have the class or classes paid for at public expense (see Article II, Part 5). The  
2045 Statewide Online Learning Network will operate with many of the same functions as a local  
2046 education authority.

2047  
2048 **COMMENT:**

2049 *The West Virginia Virtual School operates in a similar manner to the process prescribed here. The*  
2050 *school has a network of approved providers who operate under the authority of the West Virginia*  
2051 *Virtual School. (See <http://virtualschool.k12.wv.us/vschool/index.html>.) The Statewide Online*  
2052 *Learning Network expands on that concept. The network will be operated in many of the same ways*  
2053 *as a local school district. Some requirements may need to be adjusted from a traditional school*  
2054 *district due to the unique nature of online learning.*

2055  
2056 § 3.403 Goals of the Statewide Online Learning Network

2057  
2058 (a) Provide high-quality learning options for each child regardless of language, where they live,  
2059 family income level, race, sex, religion, culture, learning disability, or other special needs.

2060  
2061 (b) Help each child acquire the college- and/or career-ready knowledge and technology  
2062 skills necessary to be successful in the modern world.

2063  
2064 (c) Provide each child with personalized learning and self-paced opportunities in online  
2065 classes where the student can learn in his own style and spend as much time  
2066 necessary to master a subject successfully.

2067  
2068 (d) Allow each child who is struggling with a course to spend more time on it while not  
2069 holding back other classmates or being left behind.

2070  
2071 (e) Allow each child who is excelling in a subject to move ahead without being forced to  
2072 wait on other classmates.

2073  
2074 (f) Each child will benefit by not having to follow traditional school timetables based on a  
2075 certain amount of time sitting in a class.

2076  
2077 (g) Allow all students access to high-quality online learning at any time and any place.

2078

2079 (h) Allow customization of student schedules to best meet the student’s individual needs  
2080 and academic goals.

2081  
2082 (i) Provide a robust oversight and quality assurance authority over any approved provider or  
2083 prospective provider.

2084  
2085 § 3.404 Online Class Student Enrollment Eligibility

2086  
2087 Any eligible student in grades K–12 (see Article II, Part 5) may enroll in a high-quality online  
2088 class provided by a state-approved public or private provider, subject to any specific course  
2089 restrictions, if the student meets the course prerequisites and the online class is open for  
2090 enrollment. Schools and school districts may not impose additional requirements or prevent or  
2091 discourage any eligible student from taking a class from a state-approved provider nor provide  
2092 incentives or preference to use a specific state-approved course or provider, including online or  
2093 traditional classes offered by the individual school or school district.

2094  
2095 § 3.405 Requirements and/or Prohibitions

2096  
2097 (a) There is no arbitrary maximum or minimum class size ratio or restrictions on enrollment for  
2098 any state-approved online class. Enrollments for a specific online class are based strictly on  
2099 capacity for the individual class. Capacity for each class will be evaluated on a case-by-case  
2100 basis. An online class can contain only one student or hundreds of students depending on the  
2101 type of class and associated logistics.

2102  
2103 (b) Teacher/student ratios do not apply to classes taken from an approved online provider.

2104  
2105 (c) When a state-approved online class is limited in enrollment because of capacity, at-risk  
2106 students, students needing recovery credits, and public school students by grade level, in that  
2107 order, will be given first priority for enrollment.

2108  
2109 (d) Schools and school districts may not prohibit any student from taking a class through the  
2110 Statewide Online Learning Network unless the student fails to meet the required prerequisites for  
2111 the course.

2112  
2113 (e) Approved providers must accept all eligible students who wish to enroll in an online class or  
2114 classes. The only exceptions to this rule are when a predetermined capacity has been met or the  
2115 approved provider or school serves students with special needs.

2116  
2117 (f) Students enrolled in an online class as part of the Statewide Online Learning Network will be  
2118 considered part of the network for reporting purposes for that particular class or classes. For  
2119 example, a student enrolled in a public school district taking most classes in a traditional setting  
2120 but taking an online class through the network will be considered a student of the network for  
2121 that one class and results will not be withheld against that local school district. The network must  
2122 study this issue and establish a procedure to account for this change.

2123

2124 § 3.406 State-Approved Provider Oversight and Rule-Making Authority  
2125

2126 The (*insert appropriate agency*) is hereby authorized to make rules and/or recommendations  
2127 when appropriate in accordance with the intent of the legislature as authorized in this legislation  
2128 and to administer the Statewide Online Learning Network. The rules and/or recommendations  
2129 below shall be included as a minimum requirement.

- 2130
- 2131 (a) Establishing a course credit acknowledgment plan and accompanying procedures.  
2132
- 2133 (b) Establishing procedures for the administration of a statewide assessment for all students  
2134 enrolled in a state-approved online course (see also Article II, Part 4).  
2135
- 2136 (c) Creating additional rules governing the appropriate course fee to pay approved providers.  
2137
- 2138 (d) Administrating all aspects of the Statewide Online Learning Network.  
2139
- 2140 (e) Enacting rules ensuring that students and parents have adequate information and assistance in  
2141 selecting and enrolling in a state-approved online course, including the operation of a website  
2142 listing the providers with general information on the provider and a course catalog of all online  
2143 classes, mechanisms for parents to make comments and report problems, and information  
2144 concerning the courses being offered.  
2145
- 2146 (f) Creating rules to protect parents and legal guardians from unsolicited advertising from  
2147 providers and to regulate approved solicitations (see § 3.419).  
2148
- 2149 (g) Creating appropriate high-quality standards aligned to the minimum state college- and career-  
2150 ready standards and providing oversight for all students taking a state-approved online class.  
2151
- 2152 (h) Establishing rules for special assistance for students who choose to take a majority or all of  
2153 their courses through the Statewide Online Learning Network.  
2154
- 2155 (i) Establishing rules for special assistance for students needing credit recovery to meet high  
2156 school graduation requirements.

2157 § 3.407 Assessments and Advancement  
2158

- 2159
- 2160 (a) All eligible students enrolled in one class or multiple online classes from an approved  
2161 provider must take an annual assessment to advance to the next grade in accordance with  
2162 required minimum state college- and career-ready standards. All public school students must  
2163 continue to take the required summative assessments required by all state public students (see  
2164 also Article II, Part 4).  
2165

2166 ***COMMENT:***

2167 ***While most states continue to have end-of-year testing requirements, states need to move away from***  
2168 ***end-of-year summative assessments serving as the sole guiding force behind student advancement.***

2169                    *On-demand summative assessments available for students at any time are a better option than end-*  
2170                    *of-year tests.*

2171  
2172                    (b) Annual assessments for online classes to advance to the next grade must be available for the  
2173                    student to take at multiple opportunities during the year.

2174  
2175                    (c) All eligible students must pass an end-of-course credit assessment for an individual online  
2176                    course.

2177  
2178                    (d) Until the state fully transforms to a competency-based advancement system, all eligible  
2179                    students enrolled in an online/virtual school or taking an online class from an approved provider  
2180                    are granted a waiver from those requirements for the online class and are not bound to complete  
2181                    a defined amount of credit, also called seat time, to advance. Advancement is determined strictly  
2182                    on mastery and competency of the subject as determined by the assessments (see also Article II,  
2183                    Part 5).

2184  
2185                    (e) All annual and end-of-course assessments will be administered digitally, either online or  
2186                    through a computer system (see also Article II, Part 4) unless the student has special needs that  
2187                    require a written assessment or other method of examination.

2188  
2189                    § 3.408 High-Quality Standards

2190  
2191                    All digital content provided by an online/virtual school or in an individual online class from an  
2192                    approved provider in the Statewide Online Learning Network must meet the minimum state  
2193                    college- and career-ready standards. Alignment with the International Association for K–12  
2194                    Online Learning’s National Standards for Quality Online Courses and the National Standards for  
2195                    Quality Online Programs is mandatory as part of the approval process for all providers. The  
2196                    legislature directs the Statewide Online Learning Network Authority to implement rules,  
2197                    standards, and practices to ensure compliance with this provision.

2198  
2199                    *COMMENT:*  
2200                    *Alignment to the iNACOL standards is a crucial requirement to ensure that online classes are high*  
2201                    *quality and meet the goals of the legislation. (See*  
2202                    *<http://www.inacol.org/research/nationalstandards/index.php>.)*

2203  
2204                    § 3.409 Procurement Process for Prospective Providers

2205  
2206                    Prospective providers eligible for consideration may be public, nonprofit, or nonsectarian private  
2207                    as long as they have demonstrated a history of providing online courses or can demonstrate that  
2208                    they meet the minimum requirements to become a probationary provider. Prospective public  
2209                    providers include state- or district-run programs within the state and programs run by other  
2210                    providers.

2211  
2212                    *COMMENT:*  
2213                    *The network must balance the need to have multiple providers and prevent sole-source or monopoly-*  
2214                    *type private providers with the need to maintain minimum standards that ensure that any new*

2215 *provider is capable of providing a high-quality online learning experience for the students of the*  
2216 *state.*

2217

2218 § 3.410 Funding for Approved Providers

2219 To incentivize high-quality learning, providers will be paid in installments for each class taken  
2220 by an eligible student, based on student completion and mastery. Funding will follow each  
2221 student who takes an approved online class. The network working in conjunction with the  
2222 taskforce will determine a process through which to pay providers in installments based on  
2223 student outcomes.

2224

2225 **COMMENT:**

2226 *The Florida Virtual School is only paid for a student who takes a class when that student has*  
2227 *mastered the subject. This practice is a good way to help ensure that providers are working toward*  
2228 *students mastering the academic material. However, states must also implement rules and*  
2229 *regulations to prevent providers from simply passing on students who may not have actually*  
2230 *mastered the material in order to be paid. Ensuring that providers have high-quality formative*  
2231 *assessments that safeguard against cheating by the student are paramount to achieve this balance.*  
2232 *(See <http://www.flvs.net/Pages/default.aspx>.)*

2233

2234 § 3.411 Guidance and Assistance for Approved and Prospective Providers

2235

2236 (a) The state will provide to prospective providers clear guidance and objective criteria on the  
2237 requirements for becoming an approved provider, based on high-quality student learning.

2238

2239 (b) Prospective providers may apply to become an approved provider at any time. The Statewide  
2240 Online Learning Network Authority will review new applications quarterly on a revolving  
2241 schedule.

2242

2243 (c) The network authority will offer an appeals process for prospective providers who are denied  
2244 approval or approved providers who are not renewed or are suspended.

2245

2246 (d) All prospective providers will be treated equally in the approval process, including virtual  
2247 schools run by the state or a school district, and must follow the same approval process as  
2248 nongovernment prospective providers.

2249

2250 (e) Approved providers in the Statewide Online Learning Network are not guaranteed to receive  
2251 students for enrollment in an online class. Being an approved provider means that the provider is  
2252 simply able to enroll eligible students who sign up for an online class.

2253

2254 (f) Approved providers already offering services in the state or other states shall be placed in the  
2255 network for a three-year period, subject to automatic renewal for an additional three years if they  
2256 continue to meet the minimum state standards.

2257

2258 (g) New providers that have not yet offered courses may be approved for a one-year probationary  
2259 period subject to automatic review at the end of the first year. If the new approved provider  
2260 meets the minimum standards after the probationary year they will be placed on the automatic  
2261 renewal process (see § 3.411[f] above).

2262

2263 § 3.412 Prohibition Against Sectarian Providers

2264

2265 Only nonsectarian providers may be considered for funding and approval as an approved  
2266 provider by the Statewide Online Learning Network Authority.

2267

2268 § 3.413 Minimum Requirements of Employees of Approved Online Providers

2269

2270 Only teachers, paraprofessionals, and other employees that meet the minimum standards to work  
2271 with children in the state public school system, including passing a criminal background check,  
2272 are eligible to work in any capacity with children or with their confidential information. Teachers  
2273 at an approved online provider must meet all the requirements of an online teacher as prescribed  
2274 by the legislature in Article II, Part 6 of the Each Child Learns Act.

2275

2276 § 3.414 Compliance with Federal and State Privacy Laws by Approved Online Providers

2277

2278 Any student information obtained by a student taking an online course must meet the  
2279 requirements of 20 U.S.C. § 1232(g), the Family Educational Rights and Privacy Act of 1974  
2280 (FERPA), that protects the privacy rights of families and students by preventing the release and  
2281 disclosure of personally identifiable information derived from education records. All applicable  
2282 state privacy laws must also be followed to ensure that student and family data is protected. All  
2283 prospective providers must have a plan and practices for these protections in place at the time of  
2284 application, and the plan must be updated on a regular basis and reviewed at least annually.

2285

2286 § 3.415 Compliance with Federal and State Laws to Protect Children Online and Promote  
2287 Internet Safety

2288

2289 The (*insert appropriate agency*) is directed to implement regulations and technology safeguards,  
2290 including encryption and password protection of data, to protect family and student  
2291 confidentiality and to comply with all applicable federal and state laws.

2292

2293 (a) Compliance and integrity with the intent of Congress as established in 15 U.S.C. §§ 6501 et  
2294 seq., the Children’s Online Privacy Protection Act (COPPA), that protects the collection of  
2295 online information from children under the age of thirteen. All prospective providers must have a  
2296 demonstrated plan and practices for these protections in place at the time of application, and the  
2297 plan must be updated on a regular basis and reviewed at least annually.

2298

2299 (b) Compliance and integrity with the intent of Congress as established in 20 U.S.C. §§ 1400 et  
2300 seq., the Individuals with Disabilities Education Act (IDEA), 42 U.S.C. §§ 12101 et seq., the  
2301 Americans with Disabilities Act (ADA), 29 U.S.C. § 794, Section 504 of the Rehabilitation Act  
2302 of 1973, and any other applicable federal or state laws must be maintained. The network is  
2303 directed to implement any plans or regulations to ensure compliance with all applicable federal  
2304 and state laws relating to students with disabilities to protect their right to a high-quality  
2305 education. All prospective providers must have a demonstrated plan and practices for these

2306 protections in place at the time of application, and the plan must be updated on a regular basis  
2307 and reviewed at least annually.

2308  
2309 § 3.416 Affirmative Duty to Protect the Safety and Well-being of Children and Report Any  
2310 Suspected Abuse or Neglect

2311  
2312 All employees or contracted employees of an approved provider are agents of the state in the  
2313 eyes of this law and as such must take all necessary steps to protect all children. Therefore, all  
2314 employees or contracted employees of an approved provider have an affirmative duty under this  
2315 act to report any known or suspected physical abuse, sexual abuse, mental abuse, or neglect of a  
2316 child to an appropriate law enforcement official, a supervisor, and the main state official from  
2317 the *(insert appropriate agency)* assigned to interact with the approved provider. The *(insert*  
2318 *appropriate agency)* is directed to implement additional rules and guidelines to ensure  
2319 compliance with this provision of the act. Failure to adhere to the strictest interpretation of this  
2320 section can lead to criminal prosecution under *(cite appropriate state criminal statute)*. All  
2321 prospective providers must have a demonstrated plan and practices for these protections in place  
2322 at the time of application, and the plan must be updated on a regular basis and reviewed at least  
2323 annually.

2324  
2325 **COMMENT:**

2326 *As with all professionals who work regularly with children, a duty must exist and be embedded in the*  
2327 *law to protect the interests of children. Like any employee of a school system, online provider*  
2328 *employees must be required to report any suspected abuse or neglect.*

2329  
2330 § 3.417 Administration of the Statewide Online Learning Network

2331  
2332 **[OPTION A]**

2333  
2334 (a) Creation of the Statewide Online Learning Network Authority.

2335  
2336 The governor is hereby authorized to appoint an authority with the advice and consent of the  
2337 *(insert appropriate legislative body)* that will permanently oversee the transparency,  
2338 accountability, and administration of the Statewide Online Learning Network. Day-to-day  
2339 operation of the network will be run by the *(insert state department of education or other*  
2340 *appropriate agency)* under the direction of the Statewide Online Learning Authority. The  
2341 network authority will have the power to conduct audits of all approved providers (at least one of  
2342 which must be annually), issue special rules, launch investigations, hold public hearings and  
2343 meetings, and provide advice to the legislature, *(insert appropriate agency)*, and the governor.

2344  
2345 (b) The legislature directs the Statewide Online Learning Network Authority to issue an annual  
2346 report to the legislature including all relevant learning statistics and audit information associated  
2347 with the Statewide Online Learning Network.

2348  
2349 (c) The Statewide Online Learning Network Authority shall consist of 25 members appointed by  
2350 the governor with the advice and consent of the *(insert appropriate legislative branch)* within 30  
2351 days of passage of Each Child Learn. Members who are on the network authority by way of their

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FOR PUBLIC COMMENT

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2352 office, such as the chief state school officer, chief instructional officer, chief technology official,  
2353 chief education procurement official, and members of the state board of education, shall hold  
2354 their positions so long as they hold their office. All other members will serve four-year terms,  
2355 with the initial terms staggered by the governor in accordance with the legislative intent stated  
2356 below. Membership and terms are listed here.

2357  
2358 (1) Six teachers, representing at least one public elementary school, one public middle  
2359 school, and one public high school, one teacher experienced in offering online instruction  
2360 to elementary students, one teacher experienced in offering online instruction to middle  
2361 school students, and one teacher experienced in offering online instruction to high school  
2362 students. The initial appointments will stagger two of the teachers for a four-year term,  
2363 two for a three-year term, and two for a two-year term. All subsequent appointments after  
2364 the transition appointment period will be for four-year terms.

2365  
2366 *COMMENT:*  
2367 *It is recommended that the state teacher employee organization(s) be consulted fully in the teacher*  
2368 *membership of the authority and have at least one member representing them on the network*  
2369 *authority. For example, in a state where both the American Federation of Teachers and the National*  
2370 *Education Association are active, each group would be allotted at least one teacher slot, representing*  
2371 *a minimum of two teachers who are members of state teacher employee organizations.*

2372  
2373 (2) Three school principals, representing at least one elementary school, one middle  
2374 school, and one high school. The initial appointments will stagger one principal for a  
2375 four-year term, one for a three-year term, and one for a two-year term. All subsequent  
2376 appointments after the transition appointment period will be for four-year terms.

2377  
2378 (3) Three principals or chief operating officers of an online provider. The initial  
2379 appointments will stagger one online principal or chief operating officer for a four-year  
2380 term, one for a three-year term, and one for a two-year term. All subsequent  
2381 appointments after the transition appointment period will be for four-year terms.

2382  
2383 **[SUB-OPTION i]**

2384  
2385 (4) Three members of the state board of education.

2386  
2387 **[SUB-OPTION ii]**

2388  
2389 (4) Three local school board members. The initial appointments will stagger one local  
2390 board member for a four-year term, one for a three-year term, and one for a two-year  
2391 term. All subsequent appointments after the transition appointment period will be for  
2392 four-year terms.

2393  
2394 *COMMENT:*  
2395 *Some states do not have state boards of education or may prefer that local school boards hold these*  
2396 *positions. States should act in their best interests in selecting Sub-option 1 or 2B.*

2397

- 2398 (5) The chief instructional officer for the state.  
2399  
2400 (6) The chief technology officer for the state.  
2401  
2402 (7) The chief state school officer for the state, who will serve as the chair and as a  
2403 nonvoting member except in the case of ties.  
2404  
2405 (8) The chief procurement officer for the state department of education.  
2406  
2407 (9) Three parents of school-age children, representing at least one elementary student,  
2408 one middle school student, and one high school student. The initial appointments will  
2409 stagger one parent for a four-year term, one for a three-year term, and one for a two-year  
2410 term. All subsequent appointments after the transition appointment period will be for  
2411 four-year terms.  
2412  
2413 (10) Three lay members, one of whom must be a certified public accountant and one of  
2414 whom must be an attorney in good standing and licensed in the state. The initial  
2415 appointments will stagger one lay member for a four-year term, one for a three-year term,  
2416 and one for a two-year term. All subsequent appointments after the transition  
2417 appointment period will be for four-year terms.  
2418
- 2419 **(OPTION B)**  
2420
- 2421 (a) The *(state board of education/state department of education/chief state school officer)* is  
2422 designated to monitor the transparency, accountability, and administration of the Statewide  
2423 Online Learning Network. The *(insert appropriate agency)* will have the power to conduct audits  
2424 of all approved providers (at least one of which must be annual), issue special rules, launch  
2425 investigations, hold public hearings and meetings, and provide advice to the legislature, *(insert*  
2426 *appropriate agency)*, and the governor.  
2427
- 2428 (b) The legislature directs the *(state board of education/state department of education/chief state*  
2429 *school officer)* to issue an annual report to the legislature including all relevant learning statistics  
2430 and audit information associated with the Statewide Online Learning Network.  
2431
- 2432 § 3.418 Transparency, Accountability, and Ethical Guidelines  
2433
- 2434 Administration of the Statewide Online Learning Network is designated to the *(insert*  
2435 *appropriate agency)*. The *(insert appropriate agency)* must create an open and transparent  
2436 process to ensure that public funds are spent appropriately and that best value is given to every  
2437 child through a meaningful and high-quality education. The *(insert appropriate agency)* is  
2438 directed to take the following minimum tasks to ensure that those goals are met and to work in  
2439 conjunction with the *(insert appropriate state ethics agency)* where appropriate.  
2440
- 2441 (a) Statewide Online Learning Network database and tracker.  
2442

# WORKING DRAFT OF SUGGESTED LEGISLATION

ALLIANCE FOR EXCELLENT EDUCATION

FOR PUBLIC COMMENT

2443 (1) The *(insert appropriate agency)* and the state procurement agency are hereby directed  
2444 and authorized to create a special website database and tracker to ensure transparency and  
2445 accountability for every provider that enters into the contracting process. The website  
2446 will assist parents and legal guardians, teachers, other school personnel, students, and the  
2447 general public to individually examine each provider, provide data on student learning,  
2448 track public funds being expended, provide contact information for the providers and  
2449 state education officials, and act as a digital course catalog by offering course and  
2450 provider information to assist parents in choosing approved providers. A print version of  
2451 the information must be available and be published on an annual basis.

2452  
2453 (2) The database and tracker must include the ability for parents and students to make  
2454 public comments about providers accessible for viewing on the website.

2455  
2456 (3) The database and tracker must include general student data information for parents  
2457 and the public to see how students who take a course from each approved provider  
2458 progress. The information contained on the website must meet the requirements of 20  
2459 U.S.C. § 1232(g), the Family Educational Rights and Privacy Act of 1974 (FERPA), that  
2460 protects the privacy rights of families and students by preventing the release and  
2461 disclosure of personally identifiable information derived from education records. All  
2462 applicable state privacy laws must also be followed to ensure that student and family data  
2463 is protected. The *(insert appropriate agency)* is hereby authorized to work with the state  
2464 legal authority to create a plan to meet these standards. If necessary, the *(insert  
2465 appropriate agency)* and state legal authority may contract with outside legal counsel to  
2466 provide assistance.

2467  
2468 **COMMENT:**

2469 *Special websites that allow for comments and ratings already exist in many industries. One of the*  
2470 *best-known examples is Angie's List, a website that takes user comments and ratings about*  
2471 *businesses and provides consumer reports and grades for them based on user comments. (See*  
2472 *<https://my.angieslist.com/Angieslist>.) The federal government runs a special website for the*  
2473 *American Recovery and Reinvestment Act of 2009 that monitors and tracks how public money is*  
2474 *being spent in relation to the ARRA. The website demonstrates how recovery funds are being used*  
2475 *by recipients of ARRA contracts, grants, and loans and shows how funds are being distributed (see*  
2476 *<http://www.recovery.gov/Pages/default.aspx>.) A similar user-driven website for parents and students*  
2477 *to track online providers and serve as a course catalog to help parents and legal guardians would*  
2478 *help drive healthy competition among all online providers and allow an additional tool for outcome-*  
2479 *based high-quality learning.*

2480  
2481 (b) Whistleblower hotline.

2482  
2483 **(OPTION A)**

2484  
2485 The legislature directs the *(insert appropriate agency)* to create a special anonymous telephone  
2486 hotline for any concerned parties to be able to make an anonymous and confidential report  
2487 concerning any suspected unethical, illegal, or improper activity or any quality problems  
2488 associated with the teaching or student learning being delivered through the Statewide Online  
2489 Learning Network. The hotline number must be prominently displayed on the website and in any

2490 general communications from approved providers or the authority regarding the Statewide  
2491 Online Learning Network.

2492

2493 **(OPTION B)**

2494

2495 The legislature directs the (*insert appropriate ethics agency*) to extend the reach of the state’s  
2496 existing whistleblower telephone hotline to allow any concerned parties to be able to make an  
2497 anonymous and confidential report concerning suspected unethical, illegal, or improper activity  
2498 or any quality problems associated with the teaching or student learning associated with the  
2499 Statewide Online Learning Network.

2500

2501 (c) Ethical standards of conduct for the operation of the Statewide Online Learning Network.

2502

2503 All operations and procurement processes for the Statewide Online Learning Network must be  
2504 completely transparent, subject to the strictest ethical considerations under state law (*the state*  
2505 *law may be directly cited here*), subject to the direct rules established in this act, subject to rules  
2506 enacted by the network, and must provide for high-quality learning for students and the frugal  
2507 use of public funds. Providers and prospective providers and their employees, and covered  
2508 officials, are subject to the rules of this section. All covered officials under this act are  
2509 government employees directly or indirectly involved in the procurement process, in operation of  
2510 the network, and/or in student advising for online courses.

2511

2512 (1) Standards for providers, prospective providers, nongovernmental employees, and non-  
2513 covered officials.

2514

2515 (A) It is illegal under this act for any provider, prospective provider, their  
2516 employee or representative, nongovernmental official, or non-covered official to  
2517 attempt to influence a covered official to breach the ethical standards of this act or  
2518 any other state ethics law or regulation.

2519

2520 (B) Any allegation of a violation of the ethical standards of this act or other state  
2521 law shall result in an immediate investigation by the (*insert appropriate agency*)  
2522 and possible referral to the (*insert appropriate ethics agency*) and law  
2523 enforcement upon evidence of illegal conduct.

2524

2525 (C) Any attempt to violate the ethical provisions of the Each Child Learns Act  
2526 will result, after confirmation from an initial investigation, in immediate  
2527 suspension of the provider or prospective provider from the Statewide Online  
2528 Learning Network pool and may lead to permanent expulsion from the pool, may  
2529 cause the entity or individuals to be placed on a debarment list preventing any  
2530 state government contracts, and may subject the entity or individuals to other  
2531 criminal and civil actions.

2532

2533 (D) All approved providers must provide certification that all employees have  
2534 received, read, and understood the ethical standards set forth in this act and any  
2535 other rules implemented by the (*insert appropriate agency*).  
2536

2537 (2) Standards, prohibitions, and ethical guidelines for covered officials.  
2538

2539 (A) A covered employee is any state government or local school employee  
2540 involved directly or indirectly in the procurement process or the advising of  
2541 students, parents, or legal guardians in providing advice and guidance in the  
2542 selection of an online class or classes—this includes principals, teachers,  
2543 counselors, or other education officials who may assist in the student advising  
2544 process.  
2545

2546 (B) The network must release regulations that safeguard all covered officials  
2547 against employee conflict of interest, employee disclosure requirements, and  
2548 gratuities and kickbacks; prohibit contingent fees; and place restrictions on  
2549 employment of present and former employees that meet strict standards.  
2550

2551 (C) All government employees, covered and non-covered, are subject to  
2552 heightened standards of conduct to protect the frugal and appropriate use of public  
2553 funds and to ensure trust in the government among the public. Students and the  
2554 families of the students taking classes as part of the Statewide Online Learning  
2555 Network must be able to rely on all government employees to provide honest and  
2556 fair assessment of the procurement process, proper administration of the approved  
2557 providers to ensure accountability and high-quality student learning, and unbiased  
2558 counseling and advice for parents and legal guardians and students in making  
2559 decisions about taking an online class or classes. Therefore, the legislature  
2560 mandates the following minimum ethical standards under this act.  
2561

2562 **(OPTION A)**  
2563

2564 The state adopts the standards and legislative language set forth in the American Bar  
2565 Association’s 2000 ABA Model Procurement Code, Sections 12-204, 12-205, 12-206, 12-207,  
2566 and 12-208 for the subjects in 3.441(b)(2) of this act.  
2567

2568 **(OPTION B)**  
2569

2570 The state should align the ethical rules for the subjects in 3.412(b)(2) of this act with (*insert*  
2571 *appropriate state ethics law*), so long as that law meets the minimum standards and criteria set  
2572 forth in the American Bar Association’s 2000 ABA Model Procurement Code, Sections 12-204,  
2573 12-205, 12-206, 12-207, and 12-208.  
2574

2575  
2576 § 3.419 Regulation of Direct Solicitation by Providers  
2577

# WORKING DRAFT OF SUGGESTED LEGISLATION

ALLIANCE FOR EXCELLENT EDUCATION

FOR PUBLIC COMMENT

2578 Approved and prospective providers are prohibited from unsolicited direct solicitation of parents,  
2579 students, school employees, and any state or local school official who may be involved in  
2580 advising students in selecting an approved provider for an online class paid for at public expense  
2581 through the Statewide Online Learning Network provider pool except when authorized in limited  
2582 situations as permitted by the authority. The (*insert appropriate agency*) is directed to establish  
2583 criteria that places reasonable limits on unsolicited direct commercial solicitation while  
2584 recognizing the constitutional right to free speech. Direct solicitation includes e-mails, text  
2585 messages, targeted social media advertising such as nanotargeted advertising, mail, phone calls,  
2586 and telephone solicitation. Approved providers may only solicit through the network online site,  
2587 course catalog, or other means as determined by the authority. The authority will create rules  
2588 including certain limited time periods that approved or prospective providers may use to offer  
2589 unsolicited information to prospective students and their families. Any approved provider who is  
2590 found to be engaged in direct solicitation of any of the covered groups in this section outside the  
2591 boundaries established by the authority may be expelled or suspended as an approved provider,  
2592 The network may not impose unreasonable restrictions on advertising. Advertising on television,  
2593 radio, in print publications, and targeted to a general audience may not be regulated. The list  
2594 below contains the acceptable regulations.

2595  
2596 (a) Creating a do-not-contact list that would limit contact except in cases when a parent or legal  
2597 guardian contacts the provider first.

2598  
2599 (b) Designating certain open advertising times during the year when direct solicitation is  
2600 allowed.

2601  
2602 **COMMENT:**

2603 *The government may regulate commercial speech in certain very limited situations. The United States*  
2604 *Supreme Court held in Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S.*  
2605 *557 (1980), that a four-part analysis is to be used to determine if commercial speech may be regulated.*  
2606 *The first two parts must be initially met before the final two parts may be considered: (1) the speech must*  
2607 *concern lawful conduct and not be misleading and (2) there must be a substantial government interest.*  
2608 *If those two elements are met, then (3) the regulation must directly advance the substantial government*  
2609 *interest and (4) be no more extensive than necessary to meet that government interest. Providing online*  
2610 *classes paid by public expense is legal if the legislature authorizes it. Ensuring that students are selecting*  
2611 *classes in a manner most likely to benefit their learning and maximize the use of public dollars is a*  
2612 *substantial government interest. Allowing some prohibitions on direct advertising will drive students,*  
2613 *parents, and teachers to the unbiased information about the provider through the various mechanisms*  
2614 *offered by the Statewide Online Learning Network to ensure that the selection of an online class is a*  
2615 *thoughtful process based on the needs of the student and not driven by a provider who has, for example,*  
2616 *a large advertising budget and the best promotional items (such as T-shirts and hats). Some limiting*  
2617 *restrictions will still allow some advertising by providers while establishing safeguards based on quality.*

2618

2619

2620 **(OPTIONAL SECTION)**

2621

2622 §3.420 Authorization for the State to Enter an Online Learning Interstate Compact

2623

2624 The legislature authorizes the governor to explore and execute a compact on behalf of the state  
2625 with other states in the United States to legally join them in administering the Statewide Online  
2626 Learning Network and the online learning networks in the other states under the following  
2627 conditions: final agreement must meet all the minimum standards established in Article III, Part  
2628 4 of the Each Child Learns Act, and the Statewide Online Learning Network will have  
2629 jurisdiction to evaluate online learning in the state.

2630

2631 *COMMENT:*

2632

2633 *The Council on State Governments and the President's Council recently released for public review a*  
2634 *study funded by the Lumina Foundation called the State Reciprocity Agreement (SARA) that would*  
2635 *allow higher education institutions offering distance learning programs to reduce barriers to offering*  
2636 *classes across state lines. (See <http://www.csg.org/NCIC/documents/WorkingDraft.pdf>.) This section is*  
2637 *optional for states that may want to consider maximizing efficiency by working with other states.*

2638

2639 **Part 5. Developing Infrastructure and Shifting to Digital Content**

2640

2641 § 3.501 Summary

2642

2643 Implementing personalized digital learning for each child will require a shift in every public  
2644 school. Having computers and other technologies in the classroom is not enough to fully  
2645 transform student learning. There must be a shift to digital content to replace traditional  
2646 textbooks, and students and teachers must have access to internet devices and other resources to  
2647 access that high-quality digital content.

2648

2649 *COMMENT:*

2650

2651 *The Digital Textbook Playbook was released in February 2010. It was a joint collaborative effort*  
2652 *convened by the Federal Communications Commission and the U.S. Department of Education to build*  
2653 *on the FCC's National Broadband Plan and the Department of Education's National Education*  
2654 *Technology Plan. It included industry stakeholders, school officials, and nonprofit leaders. The Alliance*  
2655 *for Excellent Education recommends that the playbook be consulted. It is a good resource for states to*  
2656 *consult as plans for digital adoption move forward. It addresses four main areas, including how schools*  
2657 *and school districts can make the transition, connectivity at school, connectivity beyond school, and*  
2658 *device perspectives. (See *Digital Textbook Collaborative, Digital Textbook Playbook, February 1, 2012,**  
*[http://transition.fcc.gov/files/Digital\\_Textbook\\_Playbook.pdf](http://transition.fcc.gov/files/Digital_Textbook_Playbook.pdf).)*

2659

2660 § 3.502 Legislative Intent

2661

2662 The legislature directs the (*insert appropriate agency*) to begin the shift to digital content and the  
2663 upgrading of high-speed broadband and technology in the schools, and to work toward the goal  
2664 of providing every child and teacher with an internet access device.

2665

2666

**COMMENT:**

*The Digital Textbook Playbook lists six states that are already taking significant measures to transition to digital content in various ways. Those states include California, Florida, Maine, Texas, Virginia, and West Virginia. (See Digital Textbook Playbook, pp. 65–66.)*

§ 3.503 Adoption of Digital Content

(a) The legislature directs the *(insert appropriate agency)* to begin a plan to shift away from the use of traditional textbooks in public schools to a new digital format to be available to all public school students within the time frame established during the Each Child Learns Act Comprehensive Strategy process. Waivers may be given for certain subjects and for students who are unable to use digital content due to health issues or other special circumstances specified by the *(insert appropriate agency)*.

(b) Funding for the transition to and purchase of digital content may come from funds designated for traditional instructional materials and resources.

(c) The chief state school officer, under the direction of the *(insert appropriate agency)*, is directed by the legislature to negotiate lower-cost licenses and contracts for the acquisition of digital content on behalf of all the public school districts at no cost to the districts. Participation by the school districts in statewide digital content negotiations is voluntary, but all schools and school districts must make the transition to digital content. School districts may also engage in negotiations on their own so long as they are getting the best value for taxpayer money.

(d) The chief state school officer is authorized and encouraged to begin discussions with other states to enter into multistate purchasing pools or an interstate purchasing compact.

(e) The chief state school officer, under the direction of the *(insert appropriate agency)*, is authorized to implement a purchasing program to acquire digital content to assist all school districts with the change to digital content. The purchasing program must be flexible and without the undue administrative burdens common to traditional textbook adoption that are not necessary when utilizing digital content. The acquisition process should stress acquiring high-quality education materials, targeting the best value for taxpayer money, acquiring digital content that is easily updated with interactive and adaptive media, and seeking the best digital content to assist each child enrolled in public school to learn at a maximum level.

(f) Digital content must be of high quality and meet minimum state college- and career-ready standards. The content should be personalized, highly adaptable, and student centered with high-quality digital assessments embedded in the digital content.

(g) Digital content should not be held to a different or higher standard of quality than traditional textbook content.

(h) Utilizing high-quality open-source content must be an option for consideration as schools transition to digital content.

2712 *COMMENT:*  
2713 *Share My Lesson, the free digital collaborative platform created by the American Federation of*  
2714 *Teachers and TES Connect (cited above), is an example of a high-quality open-source content site.*  
2715 *Teachers and schools can rely on such sites if they are high quality while adding no new funding*  
2716 *requirements to already strained budgets.*  
2717

2718 § 3.504 Modernizing Public School Infrastructure

2719  
2720 (a) Summary  
2721

2722 Shifting to a 21st-century classroom that utilizes blended learning and high-quality digital  
2723 content will require a transformation from the typical brick-and-mortar public school to one that  
2724 allows each child to have access to high-quality digital content whether at school, home, or any  
2725 other location.

2726  
2727 *COMMENT:*  
2728 *The National Board for Professional Teaching Standards recommends that students have multiple paths*  
2729 *to knowledge. (See [http://www.nbpts.org/userfiles/File/ecya\\_ens\\_standards.pdf](http://www.nbpts.org/userfiles/File/ecya_ens_standards.pdf).) Meeting this standard*  
2730 *requires great teachers, but teachers need tools to assist them, including access to the latest technology.*  
2731 *Students also need access to technology to help them in the learning process. A laptop or similar internet*  
2732 *device cannot replace a teacher, but it can help a teacher offer high-quality digital learning to assist in*  
2733 *providing multiple pathways to learning.*  
2734

2735 (b) Technology audit  
2736

2737 The state chief school officer and the state chief technology officer are empowered to conduct a  
2738 statewide technology audit of every public school in the state, in grades K–12, to determine the  
2739 type of existing broadband, if any; the technology being utilized within the schools; and the  
2740 availability of internet access devices for students both in and out of school. The research  
2741 developed from the audit will be presented to the governor, legislature, and state board of  
2742 education as part of the Each Child Learns Act Comprehensive Strategy. The criteria of the  
2743 technology audit are listed below.

2744  
2745 (1) All public schools, grades K–12, will be audited to determine the types of available  
2746 technology. Technology to be audited will include the number, type, and availability of  
2747 all computers and other internet access devices; other instructional assistance technology  
2748 such as interactive whiteboards; and high-speed broadband internet access and any  
2749 limitations within the brick-and-mortar school environment. The audit will also survey  
2750 the school and state data systems and related applications to determine if they are up-to-  
2751 date and robust enough to inform longitudinal management decisions, accountability, and  
2752 instruction as the shift to digital content and enhanced digital learning opportunities  
2753 continue. A determination should be made about whether the available technology is  
2754 adequate to meet all of the data quality campaign elements that the state and school  
2755 districts must meet.

2756  
2757 (2) All public school teachers in every public school, grades K–12, will be surveyed to  
2758 determine the availability of computers and internet access devices. Teachers should also

2759 be surveyed to determine their opinions on the types of internet devices and technology  
2760 that would enable them to do their jobs more effectively.

2761  
2762 (3) All parents and legal guardians of public school students should be surveyed to  
2763 determine the type of internet access devices that every child enrolled in public school is  
2764 currently able to access outside of school. The surveys are voluntary but should be  
2765 encouraged by offering anonymous reporting.

2766  
2767 (c) Submitted concurrently to the legislature with the research gathered from the technology  
2768 audit must be plans and recommendations that are included in the Each Child Learns Act  
2769 Comprehensive Strategy, approved by the *(insert appropriate agency)*, to ensure that the  
2770 following are true.

2771  
2772 (1) Every public school has plans in place to implement high-speed broadband internet  
2773 access on the first day of school in the school year immediately after the comprehensive  
2774 strategy plan becomes finalized by the legislature.

2775  
2776 (2) All public school teachers will be given a modern internet access device paid for by  
2777 public funds within the time frame established by the Each Child Learns Act  
2778 Comprehensive Strategy process.

2779  
2780 *COMMENT:*  
2781 *The legislature and any government entity involved in planning should be careful not to legislate a*  
2782 *particular type of device. Different teachers have different styles and experience working with*  
2783 *technology. Very general parameters should be set to allow the teachers and schools as much flexibility*  
2784 *as possible in selecting devices.*

2785  
2786 (3) An internet access device that meets minimal standards as set by the *(insert*  
2787 *appropriate agency)* will be available to every child who attends public school by the  
2788 first day of school in the school year immediately after the legislature finalizes the Each  
2789 Child Learns Act Comprehensive Strategy. The device may be provided by the child,  
2790 commonly known as the “Bring Your Own Device” policy, so long as it meets a  
2791 minimum capability standard to ensure compatibility with the school’s digital learning  
2792 platform and includes a loaner program for students unable to afford a device. Acceptable  
2793 use policies should be modified to allow students to take advantage of devices while  
2794 providing important internet safety and other safeguards.

2795  
2796 *COMMENT:*  
2797 *Bring Your Own Device policies are one way that many students can be accommodated with an internet*  
2798 *device. Many students of varying background now have access to internet devices. States should explore*  
2799 *allowing students to use these devices as a learning tool. Evaluating current acceptable use polices and*  
2800 *developing new guidelines will be a required part of this implementation.*

2801  
2802 (4) The plan must include minimum standards for an internet access device that does not  
2803 favor a particular device or technology but allows for flexibility and the option for  
2804 parents to acquire different types of devices so long as they provide equal opportunities to

2805 access the requisite digital content, resources, and other materials. No one particular  
2806 device should be favored.

2807  
2808 (5) The funding plan should not consider the closing of schools or the mass layoff of  
2809 teachers as an option to pay for the technology transition. Schools already targeted to  
2810 close, not eligible for the turnaround plan, and routine teacher reductions due to attrition  
2811 may be considered.

2812  
2813 (6) The plan must offer a budget for implementing the changes and provide multiple  
2814 funding options for consideration by the legislature. The funding options may include the  
2815 following items.

2816  
2817 (A) Tax credits up to a certain amount as determined for families to purchase  
2818 internet access devices that meet the minimum standards and offset fees for home  
2819 access to high-speed broadband internet.

2820  
2821 (B) Tax breaks for businesses or individuals who donate devices or offset the  
2822 costs of devices or high-speed broadband access for public schools.

2823  
2824 (C) Suspension of sales tax for the purchase of internet access devices for the  
2825 parents and legal guardians of public school students.

2826  
2827 (D) Maximizing the use of estimated ultimate savings on transitioning to a more  
2828 cost-effective public school system using technology.

2829  
2830 (E) Increased revenues through various other means including federal funds that  
2831 may become available and can be used for innovation.

2832

2833 Each Child Learns Act—Article IV.—Uniform Definitions for Personalized and  
2834 Digital Learning

2835

2836

Part 1. General Definitions

2837

2838 § 4.101 Short Title

2839

2840 This article may be cited as Each Child Learns Act—Uniform Definitions for Personalized and  
2841 Digital Learning.

2842

2843 § 4.102 Summary and Meaning

2844

2845 Unless the code specifies a different meaning, the following terms are to be defined  
2846 accordingly in the Each Child Learns Act and future laws and regulations related to the  
2847 ECLA. Not all definitions in this section are part of the legislation but may be relevant as  
2848 the legislation is enacted.

2849

2850 (1) “acceptable use policy,” or “AUP,” is a policy that outlines the responsibilities of  
2851 students, teachers, staff, and others as they use computers, software applications, and  
2852 internet when using the school or district computers or internet connections. AUPs also  
2853 outline the consequences for failure to adhere to this policy. (Adapted from the  
2854 International Association for K–12 Online Learning’s Online Learning Definitions  
2855 Project, October 2011,  
2856 [http://www.inacol.org/research/docs/iNACOL\\_DefinitionsProject.pdf](http://www.inacol.org/research/docs/iNACOL_DefinitionsProject.pdf).)

2857

2858 (2) “asynchronous” means communication exchanges that occur in elapsed time between  
2859 two or more people. Examples are e-mail, online discussion forums, message boards,  
2860 blogs, podcasts, and so on. (Adapted from the Online Learning Definitions Project.)

2861

2862 (3) “at-risk student” is any student who is performing poorly academically, or who may  
2863 face learning impediments including but not limited to socioeconomic status, behavioral  
2864 and learning disabilities, and home, family, and community stresses. It may also  
2865 specifically refer to students in danger of not passing a course or graduating

2866

2867 (4) “blended learning” is a formal education program in which a student learns at least in  
2868 part through online delivery of content and instruction with some element of student  
2869 control over time, place, path, and/or pace and at least in part at a supervised brick-and-  
2870 mortar location away from home. (Adapted from H. Staker and M. B. Horn, “Classifying  
2871 K–12 Blended Learning,” Innosight Institute, May 2012,  
2872 [http://www.innosightinstitute.org/innosight/wp-content/uploads/2012/05/Classifying-K-  
2873 12-blended-learning2.pdf](http://www.innosightinstitute.org/innosight/wp-content/uploads/2012/05/Classifying-K-12-blended-learning2.pdf).)

2874

2875 (5) “blended learning course” or “blended course” is when a course combines traditional  
2876 face-to-face instruction, usually offered by a teacher in a brick-and-mortar school, with

2877 online instruction and other technological tools as part of the instruction. (See also  
2878 “blended learning.”)

2879  
2880 (6) “brick-and-mortar schools” are traditional schools or a traditional school building, as  
2881 contrasted with an online school that is located in a virtual world. (Adapted from the  
2882 Online Learning Definitions Project.)

2883  
2884 (7) “competency-based learning” is an advancement system in which (1) students  
2885 advance upon mastery; (2) competencies include explicit, measureable, transferable  
2886 learning objectives that empower students; (3) assessment is meaningful and a positive  
2887 learning experience for students; (4) students receive timely, differentiated support-based  
2888 on their individual learning needs; and (5) learning outcomes emphasize competencies  
2889 that include application and creation of knowledge along with the development of  
2890 important skills and dispositions. (Adapted from the Online Learning Definitions  
2891 Project.)

2892  
2893 (8) “credit recovery” refers to a student passing, and receiving credit for, a course that  
2894 he/she previously attempted but did not succeed in earning academic credit toward high  
2895 school graduation. (Adapted from the Online Learning Definitions Project, citing  
2896 Massachusetts Department of Elementary and Secondary Education, FY 2010  
2897 Technology Competitive Grants Application Forms,  
2898 [www.doe.mass.edu/edtech/grants/fy10/776narrative.doc](http://www.doe.mass.edu/edtech/grants/fy10/776narrative.doc).)

2899  
2900 (9) “cyber education” (see “online learning”).

2901  
2902 (10) “cyber school” (see “online school”).

2903  
2904 (11) “debarment” is “the act of precluding someone from having or doing something;  
2905 exclusion or hindrance.” (*Black’s Law Dictionary*, Abridged Seventh Edition [St. Paul,  
2906 MN: West Group, 2000].)

2907  
2908 (12) “digital learning” is any instructional practice that is effectively using technology to  
2909 strengthen the student learning experience. Digital learning encompasses a wide spectrum  
2910 of tools and practice, including using online and formative assessment, increasing focus  
2911 and quality of teaching resources and time, online content and courses, applications of  
2912 technology in the classroom and school building, adaptive software for students with  
2913 special needs, learning platforms, participating in professional communities of practice,  
2914 providing access to high-level and challenging content and instruction, and many other  
2915 advancements technology provides to teaching and learning. (See Alliance for Excellent  
2916 Education, *Digital Learning Imperative: How Technology and Teaching Meet Today’s*  
2917 *Education Challenges* [Washington, DC: Author, June 2012].)

2918  
2919 (13) “distance education” or “distance learning” is a general term for any type of  
2920 educational activity in which the participants are at a distance from each other and are  
2921 separated in space. They may or may not be separated in time (see definitions of

- 2922 “asynchronous” and “synchronous”). (Adapted from the Online Learning Definitions  
2923 Project.)  
2924
- 2925 (14) “distance education course” refers to any course offered at a distance. (Adapted from  
2926 the Learning Definitions Project.)  
2927
- 2928 (15) “e-course” (see “online course”).  
2929
- 2930 (16) “high quality” in this legislation refers to teachers, instruction, or content that meets  
2931 the minimum academic state standards for student learning to enable students to graduate  
2932 from high school adequately prepared for college and/or a career.  
2933
- 2934 (17) “highly qualified teacher” is the current federal definition of a teacher who is fully  
2935 certified and/or licensed by the state; holds at least a bachelor's degree from a four-year  
2936 institution; and demonstrates competence in each core academic subject area in which he  
2937 or she teaches. (Adapted from the Online Learning Definitions Project, citing U.S.  
2938 Department of Education, “New No Child Left Behind Flexibility: Highly Qualified  
2939 Teachers Fact Sheet,” <http://www2ed.gov/nclb/teachers/hqtflexibility.html>.)  
2940
- 2941 (18) “hybrid learning” (see “blended learning”).  
2942
- 2943 (19) “online course” is any state-approved course offered over the internet by an  
2944 approved provider.  
2945
- 2946 (20) “online course provider” is a business, organization, state or local school district, or  
2947 other entity that provides courses that are offered over the internet. (Adapted from the  
2948 Online Learning Definitions Project.)  
2949
- 2950 (21) “online degree program” is a program that offers degrees using courses delivered  
2951 over the internet. (Adapted from the Online Learning Definitions Project.)  
2952
- 2953 (22) “online learning” is education in which instruction and content are delivered  
2954 primarily over the Internet. (Adapted from the Online Learning Definitions Project, citing  
2955 J. R. Watson and S. Kalmon, *Keeping Pace with K–12 Online Learning: A Review of*  
2956 *State-level Policy and Practice* [Naperville, IL: Learning Point Associates, 2005].) The  
2957 term does not include print-based correspondence education, broadcast television or  
2958 radio, videocassettes, and stand-alone educational software programs that do not have a  
2959 significant internet-based instructional component. (Adapted from the Online Learning  
2960 Definitions Project, citing U.S. Department of Education, Office of Planning, Evaluation,  
2961 and Policy Development, “Evaluation of Evidence-Based Practices in Online Learning”  
2962 [Washington, DC: Author, 2009].) Used interchangeably with “virtual learning,” “cyber  
2963 learning,” and “e-learning.” (Adapted from the Online Learning Definitions Project.)  
2964

- 2965 (23) “online professional development” is professional development and teacher  
2966 mentoring delivered over the internet. (Adapted from the Online Learning Definitions  
2967 Project.)  
2968
- 2969 (24) “online school” is a formally constituted organization (public, private, state, charter,  
2970 and so on) that offers full-time education delivered primarily over the internet. (Adapted  
2971 from the Online Learning Definitions Project.)  
2972
- 2973 (25) “online teacher” or “online instructor” is a teacher of record who holds the minimum  
2974 certification and is responsible for instruction offered in an online course. (Adapted from  
2975 the Online Learning Definitions Project.)  
2976
- 2977 (26) “online teaching endorsement” is a supplemental state licensing addendum that  
2978 approves a teacher to teach online. (Adapted from the Online Learning Definitions  
2979 Project.)  
2980
- 2981 (27) “online teaching reciprocity” allows for a teacher who is certified and qualified to  
2982 teach online in one state to also teach in another state without additional requirements or  
2983 assessments. (Adapted from the Online Learning Definitions Project.)  
2984
- 2985 (28) “online tutor” is someone who supports student learning in specific content areas  
2986 over the internet. (Adapted from the Online Learning Definitions Project.)  
2987
- 2988 (29) “open enrollment” or “open completion” means students can enroll in a course at  
2989 any time and complete it at their own rate by a specified ending date.  
2990
- 2991 (30) “pace” or “pacing” is the speed or time allotted within which a teacher or student  
2992 moves through a course of study. (Adapted from the Online Learning Definitions  
2993 Project.)  
2994
- 2995 (31) “personalization,” as defined by the U.S. Department of Education, refers to  
2996 “instruction that is paced to learning needs [i.e., individualized], tailored to learning  
2997 preferences [i.e., differentiated], and tailored to the specific interests of different learners.  
2998 In an environment that is fully personalized, the learning objectives and content as well  
2999 as the method and pace all vary.” (U.S. Department of Education, Office of Education  
3000 Technology, “Transforming American Education: Learning Powered by Technology—  
3001 National Education Technology Plan 2012.”) (See also “personalized learning.”)  
3002
- 3003 (32) “personalized learning” (see “personalization”).  
3004
- 3005 (33) “project-based learning” is learning that gives students the opportunity to combine  
3006 subject matters (such as math and science) and work on an extended project that guides  
3007 the student to a deeper learning of the subject. It is frequently done as a group  
3008 collaboration, promoting teamwork.  
3009

## WORKING DRAFT OF SUGGESTED LEGISLATION

ALLIANCE FOR EXCELLENT EDUCATION

FOR PUBLIC COMMENT

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3010 (34) “seat time” defines the amount of instructional time to earn a credit and in online  
3011 learning is indicated by amount of time engaged in course work. (Adapted in part from  
3012 the Online Learning Definitions Project.)  
3013

3014 (35) “self-paced” is a term in online courses or personalized learning (see definitions) in  
3015 which students work at their own pace within an overall time frame. (Adapted in part  
3016 from the Online Learning Definitions Project.)  
3017

3018 (36) “student-teacher ratio” is the number of students in comparison to the number of  
3019 teachers provided for each online or brick-and-mortar learning course (see definitions).  
3020 (Adapted in part from the Online Learning Definitions Project.)  
3021

3022 (37) “synchronous learning” is online learning in which the participants interact at the  
3023 same time and in the same space. (See also “asynchronous learning.”) (Adapted from the  
3024 Online Learning Definitions Project.)  
3025

3026 (38) “technology-rich instruction” is a structured education program that shares the  
3027 features of traditional instruction, but also has digital enhancements such as electronic  
3028 whiteboards, broad access to internet devices, document cameras, digital textbooks,  
3029 internet tools,\* and online lesson plans. The internet, however, does not deliver the  
3030 content and instruction, or, if it does, the student still lacks control of time, place, path,  
3031 and/or pace. (\*Internet tools are software applications and programs available on the  
3032 internet that provide students with digital functionality but do not deliver online  
3033 instruction and content. For example, a student may use an internet tool like Google Docs  
3034 for document creation or Edmodo for social networking. These tools can help accomplish  
3035 a task, but do not provide instruction and content as an online course does.) (Adapted  
3036 from “Classifying K–12 Blended Learning.”)  
3037

3038 (39) “video conferencing” or “video teleconferencing” is technology that allows visual  
3039 and audio communication between two or more locations with one or more people in  
3040 each location. It is typically used to conduct meetings and/or events where participants  
3041 can see and hear each other while separated by distance. It requires special equipment  
3042 that must be installed in each location and is compatible. It can be used in distance  
3043 learning (see definition).  
3044

3045 (40) “virtual education” (see “online learning”).  
3046

3047 (41) “virtual school” (see “online school”).  
3048

3049 (42) “web-based education” (see “online learning”).  
3050