ONLINE COURSES PRESENT EDUCATIONAL OPPORTUNITIES AND POLICY CHALLENGES

Wisconsin school districts are providing K-12 students with an ever-increasing range of learning opportunities that are facilitated by the innovative use of technology resources. In this dynamic environment, school leaders routinely find themselves participating in conversations that touch on concepts such as personalized learning, flipped classrooms, virtual schools, "1:1" device initiatives, and computer-adaptive assessments.

Online courses, which can be structured and offered to serve many different educational goals, comprise an area within this larger picture that is experiencing significant growth and that is attracting increased attention among school officials, educators, students, parents, and even state lawmakers. As an illustration of the extent to which some school leaders have concluded that a student's capacity to use and benefit from online instruction is a key 21st century learning skill, some Wisconsin districts now require high school students to take at least one online course in order to earn a diploma. With recent legislative changes (such as the Course Options Program) providing more opportunities for students to take classes outside of their resident district, school districts are also evaluating the consequences of *not* offering online courses.

While school leaders generally embrace the possibility that online courses can be used to expand the range of educational programs and learning opportunities that can be offered to students, the process of planning, implementing, and evaluating online course initiatives also presents a number of significant challenges, including the following:

- Making key decisions about the basic structure of each online course initiative in light of the educational goals that a school district wants its online courses to serve;

- Navigating the ever-increasing array of technology platforms and curriculum and content providers;

- Identifying and evaluating how each online course initiative affects existing local policies and procedures;

- Finding a way to implement these new approaches to student learning in a legal and regulatory environment that often still assumes a more traditional model of K-12 education (i.e., one that is more classroom based and that follows a regular daily schedule of classes);

- Understanding the staffing implications of a district's online initiatives, including the extent to which a teacher's role is redefined by online and personalized learning structures; and

- Understanding the budgetary implications of a district's online initiatives.

To varying degrees of intentionality, certainty, and clarity, all of these challenges are reconciled through local policy decisions and through local practices.

This issue of *The FOCUS* will take a closer look at both the opportunities and challenges presented by online course initiatives. In terms of the opportunities, this publication will describe the current status of the Wisconsin Digital

Learning Collaborative and provide an overview of how several different Wisconsin school districts have structured their online courses. In terms of challenges, this publication will identify a selection of the policy considerations that may be involved in planning and implementing an online course initiative and also introduce several emerging legal issues that can complicate the implementation of online courses. (The legal issues are presented toward the end of the publication in order to establish greater context for that discussion.) Finally, in addition to the sample policy and procedure documents provided as publication inserts, the "Policy Processes at Work" section found in the back of this publication identifies further resources that address different aspects of online learning that, hopefully, will be informative and helpful to school leaders.

From a definitional perspective, this issue of *The FOCUS* primarily addresses online courses that a school district chooses to offer principally to its own full-time students and for which the expectation is that the students will receive at least a very significant portion of their curriculum and instruction via the Internet (rather than in the face-to-face presence of the licensed teacher who is assigned to the class). The scope of such online courses includes "blended learning" opportunities as that term has been defined by the Christensen Institute and as that term is used in the Evergreen Education Group's 2013 report, "*Keeping Pace with K-12 Online & Blended Learning: An Annual Review of Policy and Practice.*" The Christensen definition of "blended learning" is as follows: "A formal education program in which a student learns at least in part through online learning, with some element of student control over time, place, path, and/or pace; at least in part in a supervised brick-and-mortar location away from home; and the modalities along each student's learning path within a course or subject are connected to provide an integrated learning experience."

Outside of the direct scope of this publication are the following: (1) virtual charter schools, as defined under Wisconsin law; (2) initiatives that integrate technology resources within courses that otherwise follow a fairly traditional daily school schedule and that students physically attend in a classroom setting; and (3) online courses offered by technical colleges and universities that public school students are permitted to attend under programs such as the state's Youth Options Program and Course Options Program.

PLANNING AND IMPLEMENTING ONLINE COURSE INITIATIVES

Policy Considerations

The policy considerations involved in planning and implementing online course initiatives are numerous and touch on many different policy topics. Working through the applicable considerations generally involves reaching a number of critical decision points, and then determining how the district's decisions about major aspects of a particular initiative will affect district policy in numerous other areas. Unfortunately, it is not a simple task to identify a comprehensive list of the related and inter-dependent policy issues that will arise in connection with implementing a particular online initiative. For example, deciding that students should be permitted to receive online instruction and work on a course's core content modules outside of the standard school day and away from school would give rise to a number of policy issues related to attendance, instructional hours, device and network access, and academic integrity that would be entirely different (and maybe even irrelevant) in an alternative scenario where the district desires to provide a more interactive course in which both the online teacher and the students access the online environment at a set time during the regular school day.

Notwithstanding the differences that will arise in the details, the process of planning and implementing an online course initiative begins with the identification of the specific goals that a school district wishes to achieve. For example, some districts seek to implement a relatively limited number of online courses in order to supplement the opportunities that the district can otherwise provide to specific groups of students. Relatively common scenarios involve providing courses not otherwise offered within the district, addressing irreconcilable scheduling conflicts for individual students, providing high-school-level material to advanced junior high students without the need for the students to travel

between buildings, providing courses for at-risk students and for high school students in need of credit recovery, and providing alternative educational services for students who have been expelled. Other school districts might establish the goal or expectation that nearly all students will participate in one or more online courses prior to graduation, and that some students might even have a schedule consisting entirely of online courses. Still other districts might have the goal of transforming significant components of their standard educational program into more of a "blended learning" format such that the integration of online learning becomes more the rule than the exception.

Establishing the big-picture goals for a district's online instructional initiatives generally occurs in connection with gathering information that will help school officials address initial questions such as:

- What are the current practices in the district in regard to technology-facilitated learning?

- Which staff members might serve as leaders for any new online initiatives and who else needs to be involved (internally and externally) in the planning, implementation, and review of these initiatives?

- What current assumptions are in play in regard to budgetary, technological, or other limitations?

- Which grade levels does the district generally envision serving through online initiatives?

- Which existing educational programs might be affected by new initiatives related to online education?

- What are some of the easy-to-identify options as far as third-party partners and/or vendors and what do they currently offer?

- What is the time horizon for planning and implementing any new initiative?

Once the relevant goals have been established and some basic background information has been processed, several critical decisions need to be made that will significantly affect the district's ultimate approach to its online course initiatives. The list below identifies a number of these critical decisions, and it uses italicized text to show some of the "next-level" implications that follow from making those critical decisions:

- Approximately how many courses does the district intend to offer (at least initially) in an online or blended format? Which courses are they and approximately how many student enrollments are projected in those courses? *How will online course enrollments affect other courses, class schedules, and staff assignments?*

- Will district employees serve as the primary licensed teacher for some, all, or none of the online courses that the district intends to offer? What other roles will district employees be expected to fulfill (e.g., providing technical and instructional support)? *Answers to these questions have implications for future professional development activities and for staff recruitment and hiring.*

- Will the district create and maintain its own curriculum for some, all, or none of the district's online courses? *If the expectation is that the district will largely use third-party content, it will be particularly important to ensure that such content sufficiently aligns with local curriculum plans and quality standards, as well as to understand how grades will be assigned and how credits will be awarded. If necessary, has the board approved an equivalent standard for credit-bearing work in online courses that supplements the default unit defined in Ch. PI 18 of the administrative code?*

- Will all online courses be provided through a common technological platform (i.e., the systems and applications that deliver and manage the student's learning experience)? What are the advantages and disadvantages of the different available platforms from an educational, operational, and financial perspective? *If the district uses a cloud-based platform and does not directly maintain the student data generated by the student's participation in a course, how has the district addressed the relevant student privacy and records management issues?*

- Does the district intend to offer its online courses to any student who is interested, and, if not, what are the specific student profiles that the district

intends to serve through its online initiatives and how will the district approve a specific student's course registration request(s)?

– Will the district's online courses be (1) self-paced and asynchronous, (2) structured so that students and teachers will generally be online at the same time, (3) structured in a "blended learning" format, or (4) structured as a mix of all of these options depending on the specific course and the specific instructional needs that are being addressed? *How will the district ensure that its online programs are in compliance with the state's hours of instruction requirements?*

– When will students be permitted to begin taking an approved online course in the district? Only at the beginning of a school semester? Will any online courses be available during summer sessions? *How will these decisions affect district revenues and expenses?*

– How will students' schedules be affected by the number and type of online courses that they might take if a given initiative is implemented? *Is there a need to consider policies affecting issues such as attendance requirements and early graduation from high school?*

– How might the district leverage its online initiatives by working with other school districts and partners? (See the section, below, captioned, "The Wisconsin Digital Learning Collaborative and Successful Regional Cooperation.")

– Is it possible that the school board should explore authorizing a charter school?

Addressing the questions listed above will generally provide school leaders with a clearer vision of the overall focus and structure of a potential online initiative. However, as the various "next-level" issues (as shown in the italicized text) are intended to illustrate, the initial questions are loaded with yet further implications surrounding student-focused issues, technology considerations, staffing considerations, curricular and instructional considerations, cost considerations, as well as legal issues. The section of this publication that addresses "seat time" requirements in connection with online classes (see "Emerging Legal Issues," below) further

demonstrates that even when a school district contracts with a third-party to provide essentially "turn-key" access to a technology platform, course content, and licensed teachers for a group of supplemental online courses, there will still be a number of policy issues related to the courses that will require the time and attention of school leaders.

The Wisconsin Digital Learning Collaborative and Successful Regional Cooperation

As indicated above, it is difficult to overstate the wide scope of policy, legal, logistical, and financial considerations that can arise in connection with planning and implementing an online course initiative. Due to those many considerations, their many decision points, and the inefficiencies that can arise with attempts to "reinvent the wheel," one possible starting point for local planning is to consider the extent to which a school district's educational goals can be achieved by tapping into the resources that are available to school districts through the Wisconsin Digital Learning Collaborative (WDLC) and through various regional networks, which are often organized through the Cooperative Educational Service Agencies (CESAs).

The WDLC is a state-facilitated partnership among three different entities: the Department of Public Instruction (DPI), the Wisconsin eSchool Network, and the Wisconsin Virtual School (WVS, operating out of CESA 9). Their joint effort, which has been formalized through a written memorandum of understanding, addresses legislative mandates that require the state superintendent to (1) promote inter-district collaborative instruction, and (2) provide equitable access to online learning opportunities on a state-wide basis. The WDLC initiatives implemented through the WVS and the eSchool Network are funded primarily by the participating schools and school districts, as these WDLC partners do not currently receive a direct appropriation of state funds. Over half of the school districts in the state have already worked with the WDLC in some capacity.

Local school leaders can turn to the WDLC partners for any of the following services and benefits related to online instruction:

- Fully-developed supplemental online courses

- Facilitated collaboration among multiple school districts

- Technical assistance (such as planning guidance and assistance with professional development)

- Access to specific technology platforms and to a variety of digital resources and tools

- Leveraged bargaining power with various vendors and content providers

- An access point to a network of stakeholders and to coordinated in-state and multi-state initiatives

When it comes to planning and implementing online course initiatives, the WDLC partnership emphasizes local control. For example, the WDLC service model recognizes that different districts have differing needs depending on factors such as program goals, the length of time that is available prior to implementation, the scale of the district's current and planned online initiatives, the district's existing technology infrastructure, and the district's overall experience with online learning. At a conceptual level, the WDLC characterizes the continuum of local needs as leading to different service "pathways." As a district's needs and goals evolve, its service pathway can change and evolve as well. Two examples can be used to illustrate the WDLC's notion of locally-determined pathways in a more concrete manner.

First, assume a small school district that has established a goal of expanding its AP and foreign language courses, but that also has a short planning timeline and only limited prior experience with online instruction. Such a district could initially opt for a pathway that taps into the WVS's catalogue of fully-developed online courses for grades 6 through 12. Schools can access these WVS courses by paying a fee for each student who enrolls in a course. The student remains enrolled in the local district and receives learning and technical support from a district-assigned "local education guide." The WVS provides the online course-management and content-delivery applications, the course curriculum, and a teacher with the appropriate Wisconsin license (unless the local district chooses to provide the teacher in exchange for a lower per-student fee). In the typical

scenario, once the local district approves a student's enrollment in a WVS online course, the school can register the student for the course at any time, and the student can thereafter work through the course content on a self-paced basis. In the terminology of online learning, a WVS self-paced course is considered an "asynchronous," rather than "synchronous," learning opportunity. Under a more synchronous structure, students might be required to regularly access the virtual classroom environment at designated times in order to facilitate more teacher-to-student and student-to-student interaction.

As a second example, consider a larger school district with entirely different needs and goals. This district has two high schools and has developed several online courses in order to make advanced or special-interest classes readily available to students at both of the high school campuses. The district may have already made a substantial investment in creating online content and in training teachers who are now effective instructors in the online environment. However, the district might also find that it has unused capacity in some of its specialized online courses and that the high schools could leverage available "seats" by making them available to students in other school districts (and vice versa). The effort to create an exchange of learning opportunities among multiple school districts might be simplified if, for example, the participating districts were using the same technology platform for their respective online courses. In this scenario, the pathway to an online learning solution might call for a facilitating entity, and that role might be fulfilled by the Wisconsin eSchool Network.

The Wisconsin eSchool Network is organized as an independent nonprofit entity. Participating in the network entails becoming either an "invested" or "affiliate" partner of the organization, with "invested" partnership including a voting seat on the organization's board of directors. Current partners within the network include school districts of various sizes, with several of the relatively smaller districts opting for the affiliate-type relationship.

The formation of the WDLC in no way diminishes the value of other successful partnerships and consortium-type arrangements that have

developed among school districts and CESAs around the state. For example, *CESA 7's* Northeast Wisconsin Online Network (NEWON) has successfully consolidated many of the online course offerings that are available through the region's local school districts, CESA 7 contracted teachers, the Wisconsin Virtual School, and area technical colleges. Participating districts within CESA 7 are able to use the service to efficiently and comprehensively meet the personalized learning needs of individual students while retaining each student's local enrollment and receiving the further financial benefit of consortium-negotiated pricing.

Over nearly a twenty year period, *CESA 2's* JEDI online network and JEDI Virtual School consortium has constantly evolved in order to foster local innovation and meet the changing needs of schools and students. Beginning in the 1990s, the consortium provided closed-circuit television distance learning services, and the JEDI network has been active in online learning initiatives since 2006. At the present time, the JEDI consortium serves schools in multiple capacities, including through a K-12 virtual charter school that is organized as a non-profit entity. While some students attend the virtual charter school on a full-time basis, the consortium also makes individual online courses available to schools both within and outside of the regional network. The availability of online courses for students in the elementary grades is one area in which the consortium's services are distinctive. The JEDI consortium has also partnered with area post-secondary institutions to provide dual-credit opportunities. Similar to CESA 7, school districts that participate in the CESA 2 consortium find that the learning options enabled by the consortium help them to attract and retain students.

CESA 10 manages a successful distance learning service on the Moodle™ platform that serves a number of different purposes, including housing course content for students and professional development resources for staff. That initiative enjoys a high level of participation among the CESA 10 school districts.

There are a number of other examples of active and successful collaborations. However, the larger point is that some of the value of an online learning initiative can be tied to efficiencies of scale and to regional and state-wide cooperative efforts. Similarly, working with different districts and other organizations that have varying areas of expertise and varying prior experiences with online courses can facilitate a district's ability to avoid common pitfalls and resolve unexpected issues. Finally, falling right in line with the WDLC's concept of flexible pathways, school districts that are planning online course initiatives might find that particular needs can be met through the WDLC, that other needs can be met through regional collaboration, and that still other needs can be met through even more local arrangements.

SCHOOL DISTRICT EXAMPLES

Stevens Point is Active in a Broad Spectrum of Online Learning Initiatives

From students taking individual online classes both on-campus and off-campus, to students with full-time online schedules, to blended learning, to flipped classrooms, the *Stevens Point Area Public School District* is at a fairly advanced stage in terms of the breadth and direction of its online course initiatives. To support its wide variety of learning models, the district has made a correspondingly significant investment in policy development, staff capacity, student support, and technology.

As the district's experience with online learning has grown, Director of Secondary Education Kehl Arnson and Online Learning Coordinator Dana Breed indicate that the district has made an intentional and strategic decision to increase the number of teachers within the district who will directly provide online courses and courses with significant online components. From an instructional perspective, one of the principal goals is to permit even primarily online courses to include some opportunities for face-to-face interaction among the students and instructors whenever it is practical to do so. Arnson indicates that no single formula determines how "blended" a particular course should be, but using district teachers at least allows for in-person opportunities. Where a particular online

course is not taught by a district teacher, the district attempts to consider the nature of the course and the student's individual needs when assigning a local staff member to monitor the student's progress and provide the student with instructional support.

As far as other student supports, the district takes active steps to prepare students to succeed with their online courses. The district's Online Learning Center engages in general outreach efforts to help parents and students understand the different learning options that exist in the district. If a student decides to take an online course, the student must complete an application that requires the student to articulate why they are interested in the course and why they believe they can be successful in that learning model. If the school approves the application, the student must complete an orientation process and sign a contract that defines the expectations surrounding his/her participation. Once a course starts, there is an initial trial period during which the student is required to participate in on-campus "working sessions" so that their initial progress can be more easily monitored. For the remainder of the course, there are minimum "login hours" that must be met, and the district reserves the right, if necessary, to refer students for truancy and/or to withdraw a student from an online course if the student is not actively participating in the course and making adequate progress. Certain tests and exams must be proctored and taken at school. Finally, in connection with a 1:1 laptop initiative for all students in grades 7-12 that is sponsored by the Sentry Insurance Foundation, the district offers substantial technical support to students as well.

Menomonie Area Schools Work Extensively with WVS

The **School District of the Menomonie Area** has approved a relatively small number of students for full-time online schedules through individualized program modifications, but it has a much larger number of students who take one or two asynchronous online courses to supplement their otherwise traditional course schedules. Technology

Director Kelly Hoyland states that while students take supplemental online courses for a variety of reasons, the district generally does not permit students to register for a supplemental course that is already offered "face-to-face" in the district.

Supplemental online courses are often scheduled during a guided study hall period, where the study hall supervisor takes attendance and also often serves as the student's local education guide, pursuant to the Wisconsin Virtual School's student support model. In some situations, a student may take a supplemental online course in addition to a full class schedule, in which case the student's online course is deemed a "zero hour" course (i.e., not one of the regular daily class periods). A guidance counselor or other staff member generally serves as the local education guide for "zero hour" classes.

Hoyland emphasizes that it is important to help students recognize the distinction between the role of the local education guide and the role of the licensed instructor, which the district does by strongly encouraging students to regularly connect with their online teacher—including scheduling real-time appointments that allow for direct conversation. Weekly student progress reports also help the teacher, student, parents, and support personnel monitor student learning.

High school students who apply for and who are approved for a full-time online schedule can earn a traditional high school diploma and may participate in the high school's co-curricular and extra-curricular activities. Pursuant to board policy, high school students may use participation in athletics and credit substitution to fulfill a portion of the state's physical education credit requirement, so a student with an online program has that option as well.

The district provides full-time online students with pre-program orientation activities and a laptop. Students who do not meet district-established course participation and progress benchmarks are directed toward an intervention process which may include truancy referrals. Hoyland states that one goal of the full-time online option is to help the district retain students who might otherwise open enroll into a virtual charter school.

Waukesha and Kenosha Adopt Online Learning Graduation Requirements

As online and blended learning options have become more prevalent and increasingly sophisticated, a student's exposure to different online environments and processes can be valuable for its own sake as it can prepare the student for post-secondary education, career-related training, and other life-long learning opportunities. From this perspective, all students can benefit from developing the skills and aptitudes that are needed to be successful in online and blended education models.

The **Kenosha Unified School District** and the **School District of Waukesha** have both chosen to formalize their view of the importance of online learning skills by incorporating an online learning component into their high school graduation requirements. Waukesha's policy states that, beginning with the 9th grade class of 2013-14, students must earn at least a 0.5 credit in an online course. Kenosha's policy states that students can satisfy the district's online learning graduation requirement by either (1) attempting an online course (the grade earned must appear on the transcript); or (2) participating in a course with "approved online components." *(Note: Kenosha's policy statement and the district's further definition of "Standards of a Quality Online Learning Course" are excerpted as one of the inserts to this publication.)*

New London Emphasizes Blended Courses through a Non-Virtual Charter School

While acknowledging that self-paced supplemental courses and fully online programs fill an important niche that addresses the needs of some students, District Administrator Kathy Gwidt of the **New London School District** has also seen many students struggle in these formats. Gwidt sees blended learning as an educational innovation that, in the long term, is likely to be both highly appealing to and highly beneficial for a broad array of students.

Blended learning opportunities, by definition, acknowledge that both online learning and in-person, classroom-based instruction have their relative advantages and disadvantages. Blended courses not only attempt to preserve the value of learning and developing social skills and relationships through in-person interaction, but they are also intended to facilitate a teacher's ability to differentiate instruction and personalize student learning.

Part of New London's approach, from a structural perspective, is to provide blended learning opportunities through the district's Next Generation Academy, which operates as a *non-virtual* charter school for grades 7-12. The district determined that a "regular" charter school could strike the right balance between obtaining autonomy from some of the requirements that apply to traditional public schools, while at the same time avoiding some of the mandates that come with formally defining a school as a virtual charter school under Wisconsin law. In addition, authorizing the charter school enabled the program to tap into funding that is available for planning and implementing a new charter school.

Personal Finance is a Popular Online Option in New Berlin

Like many school districts, the **School District of New Berlin** has found that one advantage of online courses is that they can remove staffing and course-size limitations as barriers that can stand in the way of expanding the district's course catalogue. Currently, high school students in the district can take up two online courses per year. Students who are taking an online course are not excused from daily attendance requirements, and many students use a study hall period to work on course content.

Online opportunities in New Berlin are not limited solely to advanced students. For example, an online personal finance class that has been offered as an entirely optional elective has become sufficiently popular that the district has decided to also offer the course on-campus in a blended format. Students in need of credit recovery can also take online courses—as might be the case for a high school student who initially took a traditional course but failed to complete the course with a passing grade. New Berlin has also created a specific administrative position, the Director of Personalized Learning, to (among other

responsibilities) help develop, implement, and grow the district's online learning initiatives.

Algoma Leverages Online Instruction to Deliver More Opportunities for Students

The *Algoma School District* has partnered with the WVS to leverage the interest and expertise of one of its own high school teachers to deliver advanced high school science classes for students. Ultimately, by using an online curriculum for AP chemistry and physics and by offering virtual seats to students in other schools through the WVS, Algoma is able to offer its own students these advanced opportunities that might otherwise be threatened by low enrollment. In the past, the district has been able to assign the teacher to teach both classes during a single class period within the daily school schedule. For Algoma's own local students, these classes operate in more of a blended course format during that class period.

EMERGING LEGAL ISSUES

As stated earlier in this publication, one of the major challenges associated with online courses is finding a way to implement these new approaches to student learning in a legal and regulatory environment that often still assumes a more traditional model of K-12 education. When one couples the slow pace of change in the law with the fast pace of innovation in technology and in educational practice, it tends to appear as though the gap between identifying relevant legal questions and identifying solid answers and solutions only seems to be growing. This section presents a sample of the emerging legal issues that surround the implementation of online courses in public schools.

Student "Seat Time" Requirements in Connection with Online Classes

Whenever a student who is taking one or more online classes will not be in physical attendance at school for the entirety of the normal school day and/or is taking an online class in a self-paced,

asynchronous mode, it becomes challenging to ensure that the district has adequately addressed what DPI describes as the four components of "seat time" that exist under current state law:

1. The school must provide the required hours of direct pupil instruction every school year.

2. The student must comply with, and the school district must enforce, the state's compulsory attendance law (i.e., until the student graduates or reaches the applicable age limitation, he/she must attend school regularly during the full period and hours, religious holidays excepted, that the school in which the child is, or should be, enrolled is in session).

3. With limited exceptions, a school board may not grant a high school diploma to a student unless, during the high school grades, the pupil has been enrolled in a class or has participated in an activity approved by the school board during each class period of each school day.

4. School boards must observe the September 1 start date requirement.

To take a relatively common scenario, consider the "hours of instruction" requirement in light of self-paced, asynchronous online classes. To date, excluding virtual charter schools, neither DPI nor the courts have indicated that a public school may calculate "hours of direct pupil instruction" by recording the hours that a student spends "logged in" to an online system or by determining the hours that a licensed teacher is assigned *to be available* to provide instruction if the teacher were to be contacted by a student. Next, consider a "full-time online" program in which students are registered for several self-paced, asynchronous courses and access all of their online course content from a location other than a school building. Are such students in compliance with the compulsory attendance law and is the school providing adequate hours of direct instruction within the full-time online program?

Answering these questions requires school districts to have a working theory addressing "seat time" in connection with each online initiative and individual student scenario. That is, the district must either determine that a particular approach to online

learning satisfies all standard elements of "seat time," or the district must identify a viable exception or alternative that can reasonably be applied to the situation.

Short of amending state law, one of the more promising methods of resolving "seat time" issues may be for school officials to use the authority found in section 118.15(1)(d) of the state statutes to approve individualized "program or curriculum modifications." Provided a student's participation in any online course or online instructional option is voluntary, a school district's ability to use this statutory power and the related procedures (which require written documentation for each student for whom a modification is requested and approved or denied) appears to be fairly broad. A key to using the section 118.15(1)(d) authority is to ensure that the relevant decisions are, in fact, individualized. Due in part to an annual notice requirement, most school districts already have a board policy addressing individualized program or curriculum modifications.

Some online initiatives might be structured as alternative educational programs and/or incorporated within the district's plan for providing services to at-risk students. However, even when an online initiative is structured in this manner, placing a qualifying individual student in the program likely occurs through approval of a section 118.15(1)(d) program or curriculum modification, as previously described.

Authorizing a charter school with online components appears to be another potential option for addressing "seat time" issues. This is because state law exempts charter schools from many (but not all) of the laws that apply to non-charter public schools. A formal virtual charter school would be subject to the days and instructional hours requirements found in section 118.40(8) of the statutes. However, a non-virtual charter school with an emphasis on "flipped classrooms" (i.e., learning environments in which much of the introduction of content/material occurs outside of school hours, and many assignments and activities are completed at school) or on other types of blended learning arguably may have more latitude and autonomy in its program design. The exact limits of that autonomy with respect to the various "seat

time" requirements are not currently well-defined. In addition, due to DPI requirements surrounding physical attendance by open enrollments students at schools other than virtual charter schools, any non-virtual charter school might be prevented from accepting certain open enrollment applicants.

Notwithstanding DPI's general support for innovative online instructional initiatives, DPI has not encouraged districts to submit section 118.38 waiver requests that seek program-wide exceptions to the various "seat-time" requirements. Accordingly, DPI waivers do not currently appear to be a promising method of addressing "seat time" issues in connection with online course initiatives.

Arrangements with Third-Party Providers

Implementing an online course initiative usually involves the use of an assortment of online systems and applications. The need to access these technology-based resources generally means that the district will be working with a variety of third-party providers under contracts, licenses, and other agreements. Sometimes, an individual school district enters into such agreements directly with the ultimate vendor or service provider, while in other situations (as might be the case when a district is using services provided through the WDLC) school districts obtain access to resources under agreements held by intermediaries. The relevant agreements define not only the parties' respective legal rights and obligations, but they also reflect the type of investment that the district is making. For example, software can be purchased or licensed, fees can be charged on a per-user basis or pursuant to a district-wide arrangement, and agreements can vary in their duration. Due to the complexity and importance of decisions involving technology integration and third-party providers, it is almost always desirable to centralize decision-making surrounding the selection of instructional technologies at the district level.

Although it is not possible for this publication to address the full range of issues that can be encountered when working with third-party providers, an emerging legal issue that is gaining significant attention across the country is the question

of whether schools and their third-party technology providers have given adequate attention to student data management and student privacy. Some of the relevant concerns include not only direct privacy violations (such as the improper disclosure of a student's grades) but also identity theft and the improper commercial use of student data. While schools that provide online learning opportunities are somewhat more likely to encounter these concerns, the reality is that even schools that have no online courses likely have a need to review their practices related to electronic records management and student data privacy.

When it comes to identifying and addressing concerns with student records and student privacy in connection with online course initiatives, good questions to start with are the following:

- What information from/about students will be created and maintained?

- How will the data be used and who has a legitimate educational need to access the data?

- Which systems and applications are involved?

- Where will specific data be kept: Local servers? Identifiable non-local servers? "The cloud"?

- Who will have access to specific information and who will have control over it?

- Is there a clear understanding of the full "data life cycle"? (e.g., When a course is over, or if the service provider were to go out of business, what happens to the information that has been collected and maintained?)

The answers to the informational questions listed above will help the district approach a fundamental legal question: Does the district have an adequate basis for every identified instance where the district is disclosing legally-protected student data to a third-party provider, including the entities that provide the district's Internet-based applications and any hosted or cloud-based technology/data solutions? Two possible sources of authority for such disclosures under the relevant state and federal laws are (1) the inclusion of particular third parties under the "school official" exception to student data privacy, and (2) written parent consent. Due in part to the practical

difficulties associated with obtaining and relying exclusively on parent consent, most school districts implementing an online learning initiative are likely to turn to the "school official" exception.

Under the federal Family Educational Rights and Privacy Act (FERPA), a school district may disclose personally identifiable information from an education record of a student without parent consent to "school officials" who the school determines have a legitimate educational interest in the records. A contractor, consultant, volunteer, or other party to whom the school has outsourced institutional services or functions can be considered a "school official" under this exception provided that the outside party:

1. Performs an institutional service or function for which the school district would otherwise use employees;

2. Is under the direct control of the school district with respect to the use and maintenance of education records;

3. Uses the information only for the purposes for which the disclosure was made; and

4. Is subject to the condition that the party will not disclose the information to any other party without the prior consent of the parent or adult student.

Clearly, the use of written agreements that include terms and conditions that address these federal requirements is the best way for a school district to demonstrate that it is actively attempting to comply with the law in its dealings with third parties.

If a school district has a policy of disclosing personally identifiable information from an education record to an outside party as described above, FERPA also requires the district's annual student records notice to specify the criteria the district uses to determine whether a person or entity qualifies as a "school official" and what constitutes a "legitimate educational interest."

The "school official" exception under the state pupil records law, as it relates to outside parties, is not nearly as specific as the FERPA regulations. Most school districts presume (and reflect in their student records policies) that the term "school official" as used in section 118.125 of the state statutes is broad

enough to encompass the limited disclosure of student records to third parties in a manner that is generally similar to the restrictions imposed by FERPA. On the other hand, the state pupil records law introduces a number of requirements related to the maintenance and retention of student records that do not appear in FERPA, but that should also be considered in connection with the use of third-party providers.

Several additional state and federal laws further affect school districts' student data management and student privacy practices. Examples include Ch. 19 of the state statutes, the Children's Internet Protection Act, the Children's Online Privacy Protection Act, the Protection of Pupil Rights Amendment, the Individuals with Disabilities Education Act, and even the National School Lunch Act. Some of the additional resources listed in the "Policy Processes at Work" section of this publication identify and discuss the implications of these other laws.

Finally, in addition to including provisions that address specific legal requirements (e.g., retaining district control over the district-related data/information), consider the following recommendations related to school district agreements with third party providers whose products or services interact with student data:

- Ensure that the agreement does not allow the vendor to (1) modify terms/conditions unilaterally, including making changes to the vendor's privacy policies; or (2) use strategies like obtaining "click-through consent" or "account set-up consent" to weaken privacy protections.

- Require the vendor to notify the school district in the event of any actual or suspected security breach that may involve the district's data/information.

- Ensure that the system/service has functionality that the district can use to meet applicable records retention, production, and destruction requirements.

- Identify security/privacy obligations that will continue past contract expiration/termination.

- Although school officials need to evaluate the data management and privacy practices of even

entities that work directly with many K-12 schools, be especially cautious with commercial internet applications that are available to the general public. Such applications often require users to accept non-negotiable "terms of service" that do not sufficiently address, and that may conflict with, a school district's legal obligations.

- When a school district will be working with a consortium or other intermediary organization, review the relevant agreements that the consortium/intermediary holds with the various vendors that the district will be using.

- Schools officials must be knowledgeable of and communicate transparently about the district's data management and privacy practices.

The Accessibility of Online Resources and Online Learning Opportunities

In both K-12 schools and in institutions of higher education, the desire to innovate with technology can sometimes get ahead of the technology's readiness for instructional applications. One aspect of that readiness is the requirement that a school's educational programs, including its online resources and programs, must be sufficiently accessible to individuals with disabilities.

Although state law could come into play as well, the primary legal backdrop surrounding this important consideration involves the interplay among three federal laws: the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA). While these federal laws are familiar to most public school officials, their specific application in the context of online instruction is still an evolving issue. Some of the general precepts that have been articulated by federal enforcement agencies indicate that schools are generally obligated to provide students with disabilities with (1) equal access to educational benefits and opportunities; (2) equal treatment in the use of technology (equally effective, equally integrated); (3) appropriate accommodations or modifications; (4) the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as students without

disabilities; (5) the opportunity to obtain relevant information as fully, equally, and independently as a person without disabilities; (6) substantially equivalent (but not necessarily identical) ease of use; and (7) FAPE (free appropriate public education), as defined for individual students.

Recent enforcement actions initiated by federal officials show that accessibility issues connected to online instruction and online resources need to be considered in a comprehensive fashion, including an evaluation of (1) the district and individual school/program websites; (2) the learning management and student information system(s); (3) communications tools; (4) actual course content; and (5) applications, forms, notices, and instructions. As one example of the issues that are being pursued in these enforcement actions, consider the following excerpt from a March 2014 press release that announced a resolution agreement following the U.S. Department of Education's investigation of an online charter school system in South Carolina:

> [The Office for Civil Rights] determined that the schools' websites and online learning environments were not readily accessible to persons with disabilities, including those who required assistive technology to access the Internet. The most frequent concerns were lack of alternative text attributes on buttons, especially on video controls; lack of synchronized captioning; inaccessible PDFs; and animations that were not fully labeled. Additionally, some materials provided by third party vendors were inaccessible. These problems prevent persons with disabilities, particularly those with visual, hearing, or manual impairments, or who otherwise require the use of assistive technology to access the website or the online learning environment in an equally effective and equally integrated manner as persons without a disability.

Unfortunately, at the current time, there is not a single source of approved technology accessibility standards that establishes a "safe harbor" for purposes of ensuring compliance with the IDEA, Section 504, or Title II of the ADA. Nonetheless, certain unofficial standards, such as the W3C's Web Content Accessibility Guidelines, provide useful benchmarks. School officials should also be aware that, as part of a district's annual application for federal IDEA funds, school districts provide DPI with an assurance stating that students with print disabilities will receive their textbooks and core materials in an appropriate alternate format at the same time as students without print disabilities. In meeting this obligation, which applies to both traditional course materials and online course content, school districts are required to comply with the National Instructional Materials Accessibility Standard (NIMAS).

The following are some specific recommendations for school officials to consider in relation to online accessibility:

- It is easier to consider accessibility issues on the front end – i.e., when defining the basic structure of the initiative, when making vendor selection/purchasing decisions, and when selecting and initially creating instructional content.

- Lack of internal capacity regarding accessibility issues and uncertainty regarding the applicable standards are two reasons to consider using third-party platforms and course modules that have been vetted for accessibility.

- Professional development and overall staff awareness of accessibility issues are important. Online teachers need to be aware that course materials that the teacher adds to an otherwise accessible learning management system may not be sufficiently accessible. Moreover, even if a district currently does not have any staff members who are responsible for developing and maintaining the content of online courses, the ongoing integration of technology and electronic resources within all learning environments also requires attention to accessibility issues.

- If a school encounters a problem with the current level of accessibility of an instructional system, course content, or other resource, school officials should immediately provide a "next-best alternative" while the district works on solving the core accessibility issue.

- Virtual charter schools and full-time online programs need to be especially vigilant in terms of meeting their basic IDEA /Section 504 obligations (identification/referral, evaluation, providing notices, plans for comprehensive service delivery, etc.).

- Be cautious with free applications and other free internet resources. When it comes to "free" resources, it is easy to sidestep an appropriate evaluation of accessibility issues (and data privacy issues as well!)

- Include responsibilities related to "accessibility" in appropriate job descriptions. Evaluate progress related to those responsibilities.

Costs and Fees Related to Online Courses

Online courses and other technology-based innovations inevitably raise concerns surrounding costs, and one relatively common question is the extent to which schools may require students and families to purchase, rent, or otherwise provide some of the equipment and other resources associated with a particular initiative.

The legal standards that determine which costs and fees can be imposed on students and families are derived from the Wisconsin Constitution, court decisions, and various statutory provisions. However, the standards leave room for argument and interpretation in some situations. As a result, varying practices exist in different districts at this time.

As more students participate in online education, more questions about costs and fees are being brought to the attention of school officials and DPI. While DPI's guidance on these issues is not necessarily binding on school districts, it is important for school officials to be aware of and give due consideration to DPI's interpretation of the relevant laws. In the event a district's practices deviate from DPI's guidance, one can expect that parents will assert that DPI's guidance is correct.

Where course access is required at home or from another non-school location, DPI has stated that the school is responsible for providing the student, without charge, a computer <u>and</u> Internet access "at

the site at which the instruction occurs." This guidance extends to both fully online classes as well as to blended courses "where the online portion of the blended program is intended to be completed at home." Families could voluntarily choose to provide the necessary equipment and Internet access on their own, but they could also likely change their mind at a later time. The DPI guidance does not address more specific issues such as covering costs associated with lost, stolen, or damaged equipment once it has been initially provided to a student.

More directly pertinent to blended learning and 1:1 initiatives, DPI recently issued the following statement: "DPI believes there can be no charge for computer or iPad™ use. As with anything money-related, affordability is different even within non-indigent student families, and we believe the Supreme Court wanted to eliminate that affordability difference (advantage) when it comes to accessibility for apparatus or equipment." An earlier DPI School Financial Services Team presentation suggests that requiring students to provide their own device, providing devices "at cost," or charging rental or insurance fees would all be suspect practices. Moreover, other DPI guidance on student fees has, for many years, suggested that a general and undifferentiated "technology fee" (intended to offset general costs and not directly attributable to specific supplies and consumable items provided to each student) would likely violate state law.

In contexts outside of the Youth Options Program, DPI has also stated that a district may not refuse to pay for costs associated with an online course based upon a student's failure to complete the course or his/her failure to obtain a passing grade. This view of course fees makes a third-party provider's refund policy particularly relevant.

At least when taking DPI guidance at face value, one area where a school district might have some latitude under the statutes concerns fees for course textbooks and workbooks that are provided to non-indigent students. A district could assert, for example, that sections 118.03(2), 120.12(11), and 120.10(15) of the state statutes apply equally to books in both electronic and hard-copy formats.

ADDITIONAL RESOURCES RELATED TO ONLINE COURSE INITIATIVES

NOTE: Subscribers with an interest in any of the resources listed on this page might prefer to access the online version of this publication in order to use the electronic links. The online copy is available at: http://www.wasb.org/websites/focus/index.php?p=704

Recent Legislative Developments

- 2013 Act 257 (repeal of 180-day requirement; state aid available for certain online courses offered during summer and interim sessions)

- 2013 Act 20 (multiple provisions; see especially pages 2 to 7 of this summary of the Executive Budget Act, which highlights items such as the repeal of a special professional development requirement that briefly applied to teachers who provide online instruction)

New/Updated Resources from DPI

- The DPI publication *Fostering Innovation in Wisconsin Schools* (Nov. 2013)

- Resources posted online from DPI's 2014 Digital Learning Day

- The DPI Internet site: Online Learning: A Guide for Schools

- The DPI's Digital Learning Advisory Plan

Online Learning: Planning Resources

- Wisconsin Digital Learning Collaborative: *Planning and Administering Digital Learning Initiatives* (recorded webinars): Part One – Feb. 6, 2014 and Part Two – Feb. 13, 2014

- *Keeping Pace with K-12 Online & Blended Learning: 2013 Report*, and the *Planning for Quality Guide*, published by The Evergreen Education Group

School District Resources

- Stevens Point Area Public School District Online Learning Center website and screencast (summarizing initiatives)

- Menomonie Area School District's Virtual School Handbook

- School District of New London's Next Generation Academy website

Student Records and Privacy Resources

- The U.S. Department of Education's Privacy Technical Assistance Center (PTAC)
  - *Protecting Student Privacy While Using Online Educational Services* (2014)
  - *Frequently Asked Questions—Cloud Computing* (2012)
  - *Written Agreement Checklist* (2012)
  - *Checklist – Data Breach Response* (2012)
  - *Best Practices for Data Destruction* (2014) (Note: Unique requirements under Wisconsin law need to be considered in connection with the information provided in this publication.)

- The DPI publication *Student Records and Confidentiality* (Jan. 2013) and DPI's Protecting Student Privacy in Wisconsin web page.

- The Federal Trade Commission: Complying with COPPA: Frequently Asked Questions

- *Privacy and Cloud Computing in Public Schools*, Joel Reidenberg et al., Center on Law and Information Policy at Fordham Law School (Dec. 2013)

- *Cloud Computing, Regulatory Compliance and Student Privacy: A Guide for School Administrators and Legal Counsel*, Stephen Mutkoski, Microsoft Legal and Corporate Affairs, (Oct. 2013)

Online Accessibility Resources

- W3C Web Accessibility Initiative (WAI) website and Web Content Accessibility Guidelines (WCAG) 2.0

- U.S. General Services Administration, IT Accessibility & Workforce Division's Section 508 resource website

- ADA Technical Assistance Program's ADA Online Learning website

- U.S. Department of Education, Questions and Answers on the National Instructional Materials Accessibility Standard (NIMAS), (Aug. 2010)

- DPI Information Update 13.02, Legal Requirements of Accessible Instructional Materials (July 2013)

- Wisconsin Accessible Media Productions website

- National Center on Accessible Instructional Materials and the PALM Initiative websites

WASB POLICY SERVICES

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EPS Code: IGCG /
            IIBH

RVeSCHOOL POLICY (excerpted)
[WASB Editor's Note: The River Valley eSchool is <u>not</u> a virtual charter school.]

Mission

Our mission is to utilize new and emerging technologies to provide students a pathway to achieve success within a 21st century learning environment. River Valley eSchool will provide high-quality standards-driven curriculum that is able to accommodate students' varying physical locations while providing flexible time frames and course pacing.

Description of an Online Course

The online courses offered by River Valley eSchool are web-based which means the program is accessible from anywhere there is internet access.

- Students have access to their courses 24 hours a day, 7 days a week, providing flexibility in scheduling when students work on their assignments.

- Lesson content is provided online and assignments may be submitted electronically.

- Some of the courses may have hard copy texts.

- Each course has a Wisconsin DPI certified teacher that works directly with the students facilitating their learning and evaluating their efforts.

- To prepare students to be successful online learners, they complete an online orientation course.

Enrollment Options for River Valley Students

- Any RVSD student in grades 6 through 12 may request enrollment in eSchool courses.

- Any RVSD high school student can enroll in any of the online courses listed on the RVeSchool website based on individual interest and course prerequisites.

- River Valley eSchool offers continuous or rolling enrollments, but it is recommended that enrollment is completed two weeks prior to the start of a semester. Students registering under rolling enrollment may be limited in their access to certain courses.

- Students must initially complete the online orientation course to determine if the online learning environment is a good fit for them. After successfully completing the orientation course an appropriate online schedule will be developed.

- Blended schedules are also an enrollment option for students. Students may take part of their schedule online and part of their schedule at their middle school or high school. Blended students are expected to adhere to all middle school or high school student expectations. A student may enroll in an online course to receive elective credit for a

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SOURCE: RIVER VALLEY SCHOOL DISTRICT

APPROVED: December 12, 2013

course already completed, to take a course not available at their site as part of their schedule, as an extension of their schedule, or as a result of a significant schedule conflict.

- Special consideration is provided for students with significant life obstacles: i.e. dropouts, adjudicated and/or incarcerated youth, teen parents, homebound students, students with physical, mental or emotional difficulties, voluntarily withdrawn or expelled students, self-supporting youth, transient students or students in treatment programs.

- Full-time student status may include both on-line and traditional courses. Full-time status is defined as enrollment in an equivalent of 6 classes. Blended schedule and part-time students must adhere to all middle school or high school attendance policies. All building attendance policies apply for part-time online students.

- Middle School students: RV School District middle school students may request enrollment in RVeSchool courses with Principal and/or counselor permission. RVeSchool courses taken during the middle school years will not be awarded high school credit. Students interested in pursuing online high school classes with eSchool are allowed to take an online course during the summer session immediately following completion of 8th grade.

Course Enrollment/Registration Procedure

- All placements are contingent upon space and finances being available.

- Student and parent reads the online course requirements and policies on the website and determines if the student will be successful in an online course.

- The student and family fill out the application.

- The RVeSchool administrator and Registrar/School Counselor will review all applications.

- The Local Mentor/Teacher and School Counselor set up a registration meeting with the student and parent.

- Enrollment contracts are completed during the registration meeting.

- Student returns signed application/contract. Student will complete the online orientation course

- Counselor, student and parent determine if he/she will be successful in an online course. A Personalized Education Plan (PEP) is developed with the student, school counselor, and parent.

- The registrar initiates the enrollment process in the appropriate course(s) or informs the student how to enroll in the courses.

Home School or Private School Students

Home School or Private School students may enroll in up to two district courses per semester and still maintain their status. Either or both of these could be online courses.

Returning Students Without Diplomas

River Valley School District residents who have not graduated and are within 4 credits of earning their diploma are eligible to enroll in online courses (based on availability) to complete their diploma requirements through RVeSchool regardless of whether or not they attended River Valley High School. The student must meet minimum attendance requirements or they will be administratively dropped (Refer to School Board Policy #344 regarding Adult Education).

Drop Policy

Student, parent/guardian, and counselor will determine if the student will be a successful RVeSchool student after completion of the orientation course and within the first 10 days of the student's additional course(s.) It is the responsibility of the students to notify their counselor and teacher in writing that they are dropping the course within the first 10 days. If this is not done, and if the student does not successfully complete the course, the student will receive an 'F' on his/her transcript. A student dropping an online course may request placement in a traditional class based on availability and appropriate course timeline.

The student may be administratively dropped from the course for either of the following reasons:

- Student does not successfully submit at least one appropriately completed assignment within 7 calendar days of their first day of class session.

- Student is not on pace by the end of the second week in the course and has not been making sincere efforts to get up to speed.

- Full-Time eSchool Students:

Students may be administratively dropped from the online orientation and removed from the RVeSchool if the orientation is not completed within 5 days. Truancy may also be initiated during the orientation course.

Local Mentor/Teacher

A Local Mentor serves as the local education guide for the students. The Local Mentor will encourage the student to be successful in the online learning environment and keep the student progressing at a pace that is meeting the student's learning needs. In addition, the student will have an online teacher. Students are able to communicate with the online teacher within the contents of the course or through e-mail, LMS (Learning Management System), or face to face. The Local Mentor/Teacher will remain in contact with the student and parent. The Local Mentor/Teacher will maintain office hours where eSchool students can meet face to face with him or her. (This time will be designated as an RVeSchool hour and will be counted as one of the teacher's supervisions - starting with the 2014-15 school year).

Student Contract

All students and parents will agree to sign a current school year or summer student contract in agreement with specific policies related, but not limited to:

- Progress & Attendance Expectations

- Drop Policy & Trial Period

- Acceptable Use Policy

- Academic Honor Policy

- Final Exam & Grading Policy

- 2 week trial period (full-time student)

Pace Plan

Based on student goals for course completion, the pace plan is determined by the start and end date of the course to be completed. Students have the flexibility to accelerate, or extend their pace if desired or they can complete a semester course within a traditional semester. The pace plan assigns due dates for all assignments that then become the benchmarks of progress to support the completion goals.

- Students are held to these due dates just as they would be in a traditional classroom.

- Teachers may reduce the point value for assignments submitted beyond the due date.

- Students have the option to revise their pace plan once during each semester course.

- Students always have the option of working ahead of their pace plan and are encouraged to do so whenever possible.

- If students will not have access to their course for several days (for example because of an upcoming vacation), they are expected to work ahead so that all assignments due during their absence would be completed prior to their departure. For courses that expire beyond the goal end date, students must meet with an RVeSchool teacher to redo their pace plan before regaining access to the class to continue working.

Attendance

Attendance in online courses is performance based. It is measured not only by logging on to the computer, but by successful assignment completion and submission, participation in course activities such as threaded discussions, and communication with the online teacher. The minimum attendance requirement is to successfully submit at least one appropriately completed assignment for each online course every calendar week. Any student not meeting that expectation is considered truant for that week.

Not meeting the minimum attendance requirement for any three weeks in a semester for any course (or combination of courses if enrolled in more than one courses) is considered Habitual Truancy and is therefore in violation of Wisconsin's Compulsory Attendance Statutes 118.15(1) (a) that require a child attend school regularly until graduation from high school, or until the end of the semester in which he/she turns 18 years of age, or until he/she is excused from attendance by the school board. The student and parent/guardian may be subject to legal sanctions

Support Services

Existing district support services such as guidance, library, school nurse, English Language Learners, special education, police school liaison, school to work program, reading specialist, school related technology support, etc. are available to all RVeSchool students.

Co-Curricular:

(WIAA will approve if the district approves the student as a full time student meeting our definition of needing to be in 6 classes.) Full-time online students *(6 or more courses)* are eligible to participate in co-curricular activities and athletics. The same guidelines apply for traditional students and online students. If interested, students must contact the athletic/activities director at the high school for additional information.

All blended RVeSchool students meeting eligibility requirements may participate in athletic teams and may be active members of other clubs and organizations of the resident campus school (or partner school when allowed) as appropriate to their grade levels. In addition, RVeSchool students may also participate in any co- curricular program offered by the resident campus.

Communication of Student Progress

1. The parent/guardian has access to the student gradebook 24/7 to check on student progress at any time as compared to the due dates and completion goals of their pace chart.

2. The parent/guardian can email the online teacher at any time about questions or concerns they have regarding the student's progress. They can request a phone conference by emailing a phone number and times they are available for the teacher to contact them.

3. At least once each month the online teacher prepares a progress report viewable through the Guardian Accounts. A notice is sent to the parent/guardian at the email address designated on the registration.

4. Teachers may notify the school counselor if there are other student concerns. Counselors will be expected to contact students and report any extenuating circumstances to the eSchool staff.

5. Tutoring assistance with the online teacher is available as needed via the Chat Room, Whiteboard, by phone, or in person. Prior arrangements need to be made with the online teacher to schedule such assistance.

Grades

Many of the online assignments are graded by the teacher just like they would in a face-to-face course. Others may be auto graded within the course, providing immediate feedback.

- If assignments are not submitted by the due dates on the Pace Plan, they may lose points and will still be averaged with grades from other assignments for the final grade.

- The GRADEBOOK button indicates current grade standing in the course.

- Students may drop or be dropped from a course within the first 10 days after their First Day of Class session with no consequence.

- A drop after that date would result in a grade of an "F" or "Withdraw/Fail".

- The River Valley High School grade scale is applied for online courses completed by local students.

Final Exams

Students must pass the semester exam in order to be awarded credit for the course no matter what grades have been earned throughout the course, unless knowledge of content can be substantiated.

Final exams are to be taken in a proctored setting by a designated school proctor.

Academic Honor

All submitted work must be authentic, representing original ideas and/or citing all relevant sources for researched information if it is not completely original. There is "no tolerance" for work plagiarized or completed by another person.

- Submitting plagiarized work or work completed by another will result in receiving a failing grade for the assignment and possibly for the course. Students will be required to complete the assignment without credit in order to continue in the course.

- Oral quizzes in person or on the phone are a common means of assessment in the online learning environment. Students may be asked to discuss the process used in research for a project, paper or other course activity.

Credits and Transcripts

Grades and credit for online courses appear directly on the transcript within a month of the traditional semester end dates. The student's transcript reflects the course was taken through RVeSchool.

Graduation Requirements

RVeSchool students wishing to earn a RVHS diploma are required to complete 24 credits to earn a high school diploma and meet the RVSD graduation requirements, which include: 4 credits of English, 2 credits of science, 3 credits of social studies, 2 credits of mathematics, .5 credit of health, 1.5 credits of physical education and 11 credits of electives. RVeSchool students may walk with their high school class and receive a River Valley High School diploma.

[WASB Editor's Note: The graduation requirements listed above have not yet been updated to reflect the requirements of 2013 Wisconsin Act 63, which increases the minimum number of mathematics and science credits required for high school graduation from 2 credits in each subject to 3 credits in each subject, beginning with high school diplomas granted to students in the 2016-17 school year.]

Off-Line Work.

Many assignments and lessons of the online or hybrid online courses in the RVeschool can be completed offline as well. Students can use Microsoft Word or other offline applications and then copy and paste their work to submit it later. In some instances, work can be submitted via email or paper. Check with your instructor.

RVeSchool Policies

Access to the technology utilized by RVeSchool courses imposes certain responsibilities and obligations. Appropriate use is ethical, honest, and legal. It demonstrates respect for physical and intellectual property, system security protocols, and individuals' rights to privacy as well as freedom from intimidation, harassment, and unwarranted annoyance.

1. RV eSchool course resources should be used for authorized purposes only.

2. Use only legal versions of copyrighted software in compliance with licensing agreements. Policy #743-Acceptable Use of Networked Computers, Electronic Mail, and Internet Safety Policy and contract will cover this, but if it is their own device, it is their responsibility to comply.

3. Students are expected to protect the privacy of students and staff and not publish or distribute e-mail addresses outside of the class members. This information is for class purposes only.

4. Inappropriate language or messages will not be tolerated. Keep in mind that anything done on the computer can be retrieved and printed at any time.

5. Students will follow rules, written and unwritten pertaining to communicating respectfully to all people. Students will not attempt to bypass security protocols.

6. Internet Access with e-mail - You are liable for any improper use of the Internet and/or e-mail. If using a district Internet account, your e-mail and Internet use will be tracked. Any improper use will result in loss of use of district equipment and services.

7. Students are bound to the Acceptable Use of Networked Computers, Electronic Mail, and Internet Safety Policy Agreement (RVSD Policy #743). Students who violate this agreement are subject to discipline outlined within said policy, including criminal action.

8. Students are prohibited from copying, modify, or destroying any content or resource of any online or hybrid online course in the RVeschool without written permission of the copyright holder and River Valley School administration. Violations of this kind are subject to criminal action.

Removed from RVeSchool

If a student is removed from RVeSchool or does not finish an online course which they previously started, they will not be allowed back into the RVeSchool unless the high school or middle school administrator has reviewed the situation and determined that RVeSchool is a good fit for this student.

Disciplinary Procedures and Due Process

All RVSD School Board and HS/MS Disciplinary and PBIS policies apply following the appropriate due process guidelines … *[portion omitted due to space considerations]*

Computer and Software Policy

1. If providing your own equipment, please refer contact Tech Support for the minimum and recommended specifications. Technical support will be available 24/7 from the curriculum vendor.

2. RVeSchool students may request a loan of RVeSchool equipment if viable computer equipment is not available in the home. The computer would need to be picked up, at which time you would be briefly trained in its setup.

3. If you are experiencing technical problems, first contact the curriculum vendor. If they determine the problem is with the district equipment, the local mentor should be contacted. This person will in turn contact the RVSD technical support staff.

4. You cannot install hardware or software into or onto district equipment.

5. Remote access - The district reserves the right to remotely access the district computers for remote maintenance and/or software installation. Software can be installed on your own equipment that would allow remote installation of any necessary course software.

6. Damage or abuse - Any abuse or intentional damage to district equipment or software will result in possible prosecution and termination of opportunities within RVeSchool.

7. Accidental Damage or Infraction of Use - If something is not working on the district computer report it immediately to the local mentor. If you receive any inappropriate information via e-mail or from the Internet please report to the local mentor immediately in order to maintain access to the equipment and internet.

WASB	**WASB POLICY SERVICES** 122 W. Washington Avenue, Suite 400 Madison, WI 53703	**WASB Code: 343.7** **EPS Code: IGCG / IIBH**

Sample policies are distributed for demonstration purposes only and do not constitute legal advice. Unless so noted, contents do not reflect an example that was drafted or edited by the WASB.

ONLINE LEARNING ACTIVITIES AND DISTRICT ONLINE COURSES

The Board supports online learning as a means of:
1. Enabling more personalized learning opportunities;
2. Providing students with access to additional courses, learning activities, and instructional materials;
3. Offering a greater variety of learning environments; and
4. Encouraging skills and aptitudes that will support life-long learning.

Online instruction and online learning occur in a variety of settings and formats. The District's student nondiscrimination policy applies to online educational opportunities, including the requirement that no student shall be unlawfully denied access to, or the benefits of, a learning activity, course, or program.

Student Online Learning Activities Incorporated into Courses that Maintain a Traditional Class Schedule

The administration is charged with approving student online learning activities that are incorporated into courses that maintain a traditional schedule of in-person class time. Members of the District's instructional staff are charged with ensuring that they have received administrative approval for such integrated online learning activities (including approval of <u>both</u> the instructional materials and the necessary technology resources). In addition to verifying basic alignment with the relevant curriculum, important considerations related to the approval of these online learning activities include at least the following:

1. The instructional materials used in the activity are approved in a manner that is consistent with the District's general selection criteria and procedures;

2. The learning opportunity and the technology resources required to complete the activity are adequately accessible to all students in the applicable grade/class/program, including students with disabilities and students with limited access to technology resources at home; and

3. The administration has taken appropriate steps to address the District's compliance with student records and student privacy requirements for any third-party provider whose content, service, or product is used in the activity and who receives, accesses, or uses any personally-identifiable student data.

District Online Courses

For purposes of this policy, "District online courses" are courses the District has approved for possible student registration following a determination that the course meets all of the following requirements:

1. An instructional administrator has favorably evaluated (a) the course's academic content and rigor; (b) the instructional materials used in the course; (c) the course's alignment with applicable standards and curriculum guides; (d) the appropriateness of the student assessment methods used in the course; and (e) the accessibility of the learning environment and the instructional materials.

2. As a result of the course having a significant online instructional component, the students taking the course are not required to meet for class at school (i.e., to be physically present in the same learning

environment as the teacher) for substantially the same number of in-person, instructional hours that similar non-online courses are normally scheduled to meet within the District.

3. The course is taught by a teacher who is appropriately licensed by the Department of Public Instruction (DPI), although the teacher need not be an employee of the District.

4. The District has identified and approved any third-party provider(s), including the provider(s) of the relevant technology platform(s), based on an assessment of each provider's ability to meet applicable District requirements/policies and applicable legal requirements, including requirements related to student records management and student privacy.

5. A student who is taking the course does not apply directly to another educational institution under the Course Options Program, the Youth Options Program, or other similar program in order to register for and attend the course (i.e., the District is responsible for the course approval and registration process).

6. For 7th or 8th grade courses, the District has determined that the course involves grade-level content, assignments, and assessments; and, for high school courses, the District has determined that, upon successful completion of the course, the District would award a student with credit toward a high school graduation requirement (although a 7th or 8th grade student who is approved to take a high school course need not be eligible to actually receive such high school credit).

7. Either the teacher will grade the student using the applicable District grading scale, or the District has determined that the grade received from the teacher can readily be converted to the applicable scale.

8. If taught by a teacher who is not employed by the District, the course shall not be comparable to a course that is already offered in the District, with the following exceptions: (a) any course that the Board has expressly approved for such dual offering; (b) a course that a student is taking for credit recovery; (c) a course that is being taken as part of a formal alternative education program or under the District's plan for serving at-risk students; (d) the student has a schedule or site-based conflict that the District determines cannot reasonably be reconciled during a subsequent school term without undue academic detriment to the student; (e) a student is taking the course during the term of his/her expulsion from school, if allowed under his/her expulsion order or if the course is an educational service required by law; (f) the course is part of an approved plan for home-bound instruction; or (g) the course meets a student's individual needs consistent with a plan or with procedures that the District has adopted to meet legal obligations (e.g., special education, Section 504, talented and gifted education, ESL/bilingual education, etc.).

The administration shall maintain a current list of District online courses that have been approved under the criteria identified above. District online courses may or may not meet the academic eligibility requirements established by the National Collegiate Athletic Association (NCAA), and it is the student's responsibility to verify a course's NCAA status if that is a concern for the student.

Students apply for approval to take District online courses under this policy on a voluntary basis. An adult student or the parent/guardian of a minor student in grades 7-12 may apply to take a District online course by (1) submitting a written request for course approval as an individualized program or curriculum modification pursuant to Board policy and any administratively-established procedures that apply to such requests; and/or (2) if applicable, presenting the request to the student's Individualized Education Program (IEP) team so that it can be considered in connection with the student's IEP.

The administrative approval or denial of any request for a program or curriculum modification under this policy shall take into account the District's assessment of at least the following factors:

1. The reason(s) for the student's interest in the course(s), including any exceptional interests, needs, or requirements that the student may have;

2. The likelihood that the student will succeed in the online learning environment relative to other options, which may include the District's assessment of factors such as the student's academic record, the student's behavioral records, the student's prior experiences in different educational settings, etc.;

NOTE: This sample represents a hybrid of several different existing local district examples that emphasize (1) course requirements; and (2) student eligibility/requirements.

3. The student's eligibility for the specific course(s) and his/her academic readiness to be successful in the specific course(s) (e.g., the student has met applicable prerequisites);

4. Whether taking the course(s) would be likely to interfere with the student's progress toward timely graduation from high school;

5. If the student applies to take more than a cumulative total of 3 District online courses (whether 0.5 or 1.0 credit each) while he/she is enrolled in the District, the administration must conclude that the student has exceptional needs or requirements that clearly and convincingly demonstrate that taking additional online courses would be the most appropriate educational program for the student; and

6. If the student applies to take District online courses under a proposed schedule that would (1) jeopardize the student's full-time status, or (2) result in the student receiving more credits in any semester or term than could otherwise be earned by taking a full daily schedule of classes, then the school must hold a meeting with the student and the student's parent/guardian, and the administration must conclude that the student has exceptional needs or requirements that clearly and convincingly demonstrate that such a schedule is the most appropriate educational program for the student.

The administration's denial of any request to take a District online course as a program or curriculum modification is appealable to the Board as provided by state law and Board policy.

If a student receives approval to take a District online course as an individualized program or curriculum modification, the student's schedule shall generally include a designated class period (or other block of substantially equivalent time) during the normal school day during which the District will provide the student with access to the technology resources that are necessary for the student to access his/her online course.

In unusual circumstances where the District approves an online course with the expectation that the student will not be able to sufficiently access his/her instruction while he/she is present at school, the District will, upon request, provide the student with the technology resources needed to access the course from another agreed-upon location (e.g., the student's home). All Internet-based connectivity for a course that involves District-provided equipment must be appropriately filtered, is subject to the District's rules for acceptable use of technology, and may be subject to other reasonable requirements and restrictions.

At or prior to the time a student begins an approved online course, the District will provide an orientation to the student that addresses the applicable attendance, participation, and academic progress expectations; the academic and technical support resources that are available to the student; the student's use of the applicable learning platform(s); and such other information as the District's staff deems appropriate.

Failure to meet established participation, progress, or other course expectations will lead to appropriate consequences, up to and including removal from the course, denial of credit, and denial of future requests to take online courses. Failure to meet any requirement that the District establishes as an attendance requirement for an online course, without an acceptable excuse under the District's student attendance policies, may also lead to referral for truancy proceedings. Students should expect that most courses will include periodic scheduled meetings, assessments, conferences, or discussions to be held at specific times and, in some instances, at school.

A student may not take a District online course that is comparable to a course that the student has already taken and for which the student has already received academic credit for the purpose of either (1) replacing the grade that the student previously received, or (2) obtaining additional academic credit.

District online courses may be separately offered as summer school classes only if the course is eligible for state summer school aid and only subject to the space availability and/or budgetary limitations approved by the Board. Students need not seek a program or curriculum modification under this policy to register for online courses offered as summer school courses, but if registrations exceed capacity or budget limitations, then Extended School Year, at-risk, credit-deficient, and credit-recovery situations shall be granted first preference.

Nothing in this policy prohibits a parent or guardian from submitting other types of requests for program or curriculum modifications in a manner that is consistent with other Board policies and applicable procedures.

NOTE: This sample represents a hybrid of several different existing local district examples that emphasize (1) course requirements; and (2) student eligibility/requirements.

WASB **WISCONSIN ASSOCIATION OF SCHOOL BOARDS**	**WASB POLICY SERVICES** 122 W. Washington Avenue, Suite 400 Madison, WI 53703	**WASB Code: 345.6** **EPS Code: IKF**

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Unless so noted, contents do not reflect an example that was drafted or edited by the WASB.***

GRADUATION REQUIREMENTS

[Excerpt from Policy]

Beginning with the class of 2016, all KUSD students must fulfill the online learning graduation requirement along with the existing KUSD graduation criteria.

A student may complete the online learning requirement for graduation through one of the following options:

1. Attempt an online course (earned mark must appear on the transcript).

2. Participate in a course with approved online components (as listed below).

[Excerpt from Rule]

Standards of a Quality Online Learning Course

A high quality online course is defined as a structured learning environment that utilizes technology, consistently and regularly (lasting 10 hours or more) throughout the course.

An online component involves the use of a variety of media. This includes Intranet and Internet based tools and resources as delivery methods for the following:

- Instruction
- Research
- Assessment
- Communication
- Collaboration

An online course/learning management system should be utilized to promote an understanding of progress monitoring systems, support universal learning opportunities, and facilitate the management of online experiences.