Digital Learning Academy

This Act creates a digital learning academy to provide choice, accessibility, flexibility, quality and equity in curricular offerings for secondary students. The Act sets up a board of directors for the academy and provides for liability insurance for academy directors. The Act creates a Digital Learning Academy Fund and designates the digital learning academy as an employer within the state public employee retirement system.

Submitted as:
Idaho
HB 552

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act shall be cited as the “Digital Learning Academy Act.”

Section 2. [Definitions.] As used in this Act:
(1) “Academy board,” or “board,” means the board of directors of the digital learning academy created in Section 3 of this Act.
(2) “Host district” means the school district where the fiscal operations of the digital learning academy are housed until [insert date].
(3) “Digital learning academy” means an online educational program organized as a fully accredited school with statewide capabilities for delivering accredited courses to resident students at no cost to the student unless the student enrolls in additional courses beyond full-time enrollment. Participation in the digital learning academy by public school students shall be in compliance with academy and local school district policies. Adult learners and out-of-state students shall pay tuition commensurate with rates established by the state board with the advice of the [superintendent], and such funds shall be included in the budget and audit of the academy's fiscal records.
(4) “State board” means the [state board of education]. The state board is authorized and directed, with the advice and recommendation of the academy board, to promulgate rules to implement the provisions of this Act.

Section 3. [Digital Learning Academy: Creation; Legislative Intent; Goal.]
(A) There is hereby created the [state] digital learning academy, a public school-choice learning environment which joins the best technology with the best instructional practices. The [state] digital learning academy is not a single department of state government unto itself, nor is it a part of any of the [twenty departments] of state government authorized by the [state constitution]. It is legislative intent that the [state] digital learning academy operate and be recognized not as a state agency or department, but as a governmental entity whose creation has been authorized by the state, much in the manner as other single purpose districts.
(B) The [legislature] finds that it is in the best public interest to create the [state] digital learning academy based on findings that indicate:
(1) Technology continues to impact all facets of life, including the education of students of school age and adult learners;
(2) Systems for delivery of education are as diverse as the learners;
(3) Public school systems are seeking high quality educational choices within the
public system, and are aligning curriculum and assessment with state achievement standards; and
(4) The development of a comprehensive digital learning environment is cost
prohibitive for individual school districts.
(C) The goal of the [state] digital learning academy is to provide choice, accessibility,
flexibility, quality and equity in curricular offerings for students in this state.

Section 4. [Academy Board of Directors.]
(A) There is hereby created an academy board of directors which shall be responsible for
the development and oversight of the [state] digital learning academy.
(B) The academy board of directors shall be comprised of [eight] voting members and
[one] nonvoting member as follows:
(1) [Three] members shall be [superintendents], each elected to a [three] year term
and each representing [two educational classification regions] as established by the [state board
of education]. [One] [superintendent] shall be elected from among the [superintendents] in
regions [one and two] on a rotating term basis between the two regions; [one] [superintendent]
shall be elected from among the [superintendents] in regions [three and four] on a rotating term
basis between the two regions; and [one] [superintendent] shall be elected from among the
[superintendents] in regions [five and six] on a rotating term basis between the two regions;
(2) [Two] members shall be high school principals, each elected to a [three] year
term by the [governing body of the state association of secondary school administrators];
(3) [Two] members shall be citizens at-large who are not professional educators,
appointed by the members of the academy board, each to a term of [three] years; and
(4) The [state superintendent of public instruction] shall be a voting member and
shall serve concurrently with the term of office to which the [state superintendent of public
instruction] is elected;
(5) [One] member shall be an ex officio, nonvoting member appointed by the
academy board of directors to serve as secretary to the academy board.
(C) For purposes of establishing staggered terms of office, the initial term of office for
the [superintendent] position representing educational classification regions [one and two] shall
be [one] year, and thereafter shall be [three] years. The initial term of office for the
[superintendent] position representing educational classification regions [three and four] shall be
[two] years, and thereafter shall be [three] years. The [superintendent] position representing
educational classification regions [five and six] shall be [three] years. The initial term of office
for [one] high school principal position shall be [one] year and thereafter shall be [three] years,
and the initial term of office for the other high school principal position shall be [two] years and
thereafter shall be [three] years. The initial term of office for [one] member at-large shall be
[one] year and thereafter shall be [three] years, and the term of office for the other member at-
large shall be [three] years.
(D) No voting member shall serve for more than [two] consecutive full terms. Members
of the board who are appointed to fill vacancies which occur prior to the expiration of a former
member's full term shall serve the unexpired portion of such term.
(E) The academy board shall meet in person at least [three] times [annually]; none of
these [three] meetings shall be conducted by telephone or video conferencing.

Section 5. [Duties of the Academy Board of Directors.] The [state] digital learning
academy board of directors shall be responsible for ensuring that academy procedures and
courses comply with the rules of the [state board of education] and applicable statutes of this state. In addition, the academy board shall:

1. Recommend policies to be established by rule of the [state board of education] for effecting the purposes of this Act;
2. Employ or contract with staff as necessary and purchase such supplies and equipment as are necessary to implement the provisions of this Act, which purchases shall be exempt from the purchasing laws in [insert citation].
3. Enter into contracts with any other governmental or public agency whereby the board agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the costs of rendering such service.
4. Accept, receive and utilize any gifts, grants or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this Act.
5. Employ or contract with necessary faculty and teaching staff who are fully certificated [state] teachers or administrators, to design and deliver planned curriculum content. The academy shall be exempt from [insert citation]. All teaching and educational staff of the academy shall be exempt, at will employees. The number of such staff shall largely be dictated by the number of courses under development, the number of courses offered, and the number of students participating in academy programs.
6. Obtain housing where actual operations of the academy are conducted by academy staff.
7. Contract with a service provider for delivery of academy courses online which shall be accessible twenty-four (24) hours a day, seven (7) days a week.
8. Ensure that the academy is accredited as established by rule of the [state board of education].
9. Develop policy for earning credit in courses based on mastery of the subject, demonstrated competency, and meeting the standards set for each course.
10. Provide for articulating the content of certain high school courses with college and university courses in order to award both high school and undergraduate college credit.
11. Develop policies and practices which provide strict application of time limits for completion of courses.
12. Develop policies and practices on accountability, both by the student and the teacher, and in accordance with the provisions of [insert citation].
13. Manage the moneys disbursed to the academy board from the [state superintendent of public instruction].
14. Set fees charged to school districts for student participation; fees charged for summer school; and fees charged to students and adults for professional development offerings.
15. Contract with a certified public accounting firm to conduct an annual audit of the [state] digital learning academy.

Section 6. [State Digital Learning Academy: Governmental Entity; Liability; Insurance.]
(A) The [state] digital learning academy shall be a governmental entity as provided in Section 3 of this Act. For the purposes of [insert citation], the [state] digital learning academy created pursuant to this Act shall be deemed a governmental entity. Pursuant to the provisions of [insert citation], sales to or purchases by the [state] digital learning academy are exempt from payment of the sales and use tax. The [state] digital learning academy and its board of directors are subject to the following provisions in the same manner as a traditional public school and the board of trustees of a school district:
(1) [Insert citation], about bribery and corrupt influence, except as provided by [insert citation];

(2) [Insert citation], about prohibitions against contracts with officers;

(3) [Insert citation], about ethics in government;

(4) [Insert citation], about open public meetings; and

(5) [Insert citation], about disclosure of public records.

(B) The [state] digital learning academy may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by [insert citation].

(C) The [state] digital learning academy shall secure insurance for liability and property loss.

(D) It shall be unlawful for:

(1) Any director to have pecuniary interest directly or indirectly in any contract or other transaction pertaining to the maintenance or conduct of the [state] digital learning academy, or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection (D). The board of directors of the [state] digital learning academy may accept and award contracts involving the [state] digital learning academy to businesses in which the director or a person related to them by blood or marriage within the second degree of consanguinity has a direct or indirect interest, provided that the procedures set forth in [insert citation], are followed. The receiving, soliciting or acceptance of moneys of the [state] digital learning academy for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to the [state] digital learning academy, shall not be deemed to be a contract pertaining to the maintenance or conduct of the [state] digital learning academy within the meaning of this section; nor shall the payment of compensation by the [state] digital learning academy board of directors to any bank or trust company for services rendered in the transaction of any banking business with the [state] digital learning academy board of directors be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(2) The board of directors of the [state] digital learning academy to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or delivery of any [state] digital learning academy funds, moneys or property to such spouse, except as provided in [insert citation].

(E) When any relative of any director, or relative of the spouse of a director related by affinity or consanguinity within the second degree, is to be considered for employment in the [state] digital learning academy, such director shall abstain from voting in the election of such relative, and shall be absent from the meeting while such employment is being considered and determined.

Section 7. [Expenditures; Budget.]

(A) There is hereby created in the state treasury the [state] digital learning academy fund. The fund shall consist of appropriations, fees, grants, gifts or moneys from any other source. The [state treasurer] shall invest all idle moneys in the fund and interest earned on such investments shall be retained by the fund.

(B) On or before the first [Monday in July], there will be held at the time and place determined by the [state] digital learning academy board, a budget meeting and public hearing upon the proposed budget of the [state] digital learning academy. Notice of the budget meeting and public hearing shall be posted at least [ten] full days prior to the date of the meeting in at
least [one] conspicuous place to be determined by the [state] digital learning academy board of
directors. The place, hour and day of the hearing shall be specified in the notice, as well as the
place where such budget may be examined prior to the hearing. On or before the [first Monday in
July] a budget for the [state] digital learning academy shall be agreed upon and approved by the
majority of the [state] digital learning academy board of directors.

Section 8. [Digital Learning Academy Courses: Development; Brokered; Credit;
Accreditation.]

(A) Online courses shall reflect state of the art in multimedia-based digital learning. Courses offered shall be of high quality in appearance and presentation, and shall be designed to meet the needs of all students regardless of the student's level of learning.

(B) All courses developed under the auspices of the academy are the property of the academy. Courses may be developed by qualified [state] teachers who possess the necessary technical background and instructional expertise. Such people may also be hired to deliver the course online. Nothing shall prevent the board from providing additional training to teachers in the development and online delivery of courses.

(C) At the discretion of the board with consideration for necessity, convenience and cost effectiveness, brokered courses developed by outside sources may be obtained for use by the academy; however, such courses shall be taught online by [state] teachers unless special circumstances require a waiver of this requirement.

(D) Grade percentages in courses shall be based on such criteria as mastery of the subject, demonstrated competency, and meeting the standards set for each course.

(E) All courses shall meet criteria established by the [state] as necessary for accreditation of the academy.

Section 9. [Registration and Accountability.]

(A) A student may register with the digital learning academy upon recommendation from a traditional school counselor or administrator, or may register directly with the academy if there is no current public school affiliation. However, in order for coursework completed through the academy to be recorded on the student's transcript, the student shall indicate which school is to receive and record credits earned.

(B) Students who register for courses shall provide the name of a responsible adult who shall be the contact person for the academy in situations which require consultation regarding the student's conduct and performance. A designated responsible adult for students with a school affiliation may be a teacher, a counselor or a distance learning coordinator. For home schooled students, a parent or guardian may be designated.

(C) Policies of accountability as established by rule of the [state board] shall address the special conditions which exist in an environment where there is reduced face-to-face contact between student and teacher; where students access courses at any time of day, from any location and at the student's own pace; where online etiquette and ethics should be clearly understood and required of all participants; and where all students' participation is monitored by online teachers and academy personnel.

(D) Policies shall be established by rule of the [state board] for student-related issues including taking exams, proctored or unproctored; ensuring that the work is being done by the student; and ensuring that ethical conduct and proper etiquette are always observed by all participants.
Section 10. [Employers -- Members -- Exceptions.] The [state] digital learning academy created pursuant to this Act shall be an employer pursuant to the provisions of [insert citation] concerning the [state public employee retirement system] and [insert citation].

Section 11. [Severability.] [Insert severability clause.]

Section 12. [Repealer.] [Insert repealer clause.]

Section 13. [Effective Date.] [Insert effective date.]