

Arkansas
Public
School
Resource
Center



April 18, 2014

Dear Senator Key, Representative McLean and the Members of the Joint Interim Education Committee:

My name is Scott Smith, and I am the Executive Director of the Arkansas Public School Resource Center (APSRC). APSRC is a service-oriented, nonprofit membership organization that provides support, technical assistance and training to benefit public schools in Arkansas. We are an advocate for quality public education in Arkansas. I ask that you please include this letter within the documents you consider as part of your educational adequacy review.

The purpose of this letter is to implore you to make the provision of state assistance for the acquisition and expansion of broadband services for K-12 public schools; consider increased technology support for instructional outcomes, and consider the possible lack of equity in the financing of educational facilities for open-enrollment charter schools part of your adequacy review.

I. Broadband Services

As you know, our schools are vastly increasing the number of digital learning opportunities that they provide to their students. The benefits of digital learning accrue to students all across our state, with benefits to be gained in schools of every size and type and in every location, especially in rural schools.

The General Assembly's enactment of Act 1280 of 2013¹ (Act 1280) helped to establish standards for, and remove impediments to, the provision of high quality digital learning courses in our K-12 public schools. Act 1280 also requires that, beginning in the 2014-2015 school year all public school districts and public charter schools shall provide at least one (1) digital learning course to their students as either a primary or supplementary method of instruction.² Additionally, beginning with the entering ninth grade class of the 2014-2015 school year, each high school student shall be required to take at least one (1) digital learning course for credit to graduate.³

Two (2) main impediments to public schools' ability to provide quality digital learning environments to their students are availability of needed bandwidth capacity and the cost of acquiring such bandwidth.

A bandwidth survey conducted by the Arkansas Department of Education (ADE) in 2013 showed the following:

- The average bandwidth in Arkansas is 71.92 kilobits per student and staff, and the average cost is \$34.15 per megabit.
- Broadband services are provided by 37 different providers.
- 71 percent of the bandwidth for schools is purchased by districts from local providers⁴.

The Arkansas Science and Technology Authority illustrated the discrepancies and deficiencies in bandwidth statewide for public schools in the attached map⁵.

The above information points out the difficulties K-12 public schools have in trying, from both a cost and availability perspective, to provide their students with rich digital course offerings. The information also illustrates the problems that exist for the schools in trying to deal with a wide range of telecommunication carriers, who have the ability to set their own prices for the provision of bandwidth capacity and whether they will even choose to provide the needed bandwidth in a certain geographical area.

Other agencies, such as the state's public higher education system and medical institutions, do not share the same bandwidth difficulties as the K-12 public schools. These entities benefit from being linked to a statewide network, through the Arkansas e-Link project, constructed and maintained by the Arkansas Research Education Optical Network (ARE-ON). Act 1050 of 2011⁶ (codified at Ark. Code Ann. §23-17-409) deleted language from §23-17-409 which removed certain regulatory restrictions on the provision of telecommunication services to "educational institutions" (which includes K-12 public schools) by governmental entities (such as ARE-ON). Act 1050 specifically allows for the removal of the restrictions for "institutions of higher education."

The General Assembly has taken a positive step in assisting K-12 public schools with the financial piece of their bandwidth issues by appropriating \$5,000,000 in the recently concluded fiscal session for a statewide Bandwidth Facilities Matching Grant Program. With the digital learning course requirements of Act 1280 of 2013 coming into full effect for the upcoming school year, it is imperative that action be taken to ensure that all Arkansas public schools are able to have sufficient bandwidth capacity to meet their students' educational needs.

We believe that the vision of our state leaders to equitably provide access for every Arkansas student to high-speed broadband will eventually address the connectivity issue. But in order to establish high quality learning models based on the effective use of technology, specific state policy changes may be needed. The recent Digital Learning Report Card by ExcelinEd⁷ identified specific deficiency areas in Arkansas' policy and implementation of digital learning. This report provides a comprehensive analysis of state policy across ten elements of high-quality digital learning and provides a set of national quality metrics that Arkansas can utilize to identify policy agenda items.

II. Technology Support for Instructional Outcomes

Increasing access alone will not create a quality teaching and learning environment in every Arkansas classroom. To make this a reality, we must provide highly qualified educators, especially in the shortage areas of math, science and special education. In addressing the teacher shortage issues in rural schools across Arkansas, technology can be a tool to assist with the training and certification of applicants and even provide direct instructional services to students. In order to address the long term solutions, we need to identify more intensive incentive programs and financial support to recruit and eventually retain these high-quality teachers so desperately needed in our rural schools.

We have a unique opportunity to initiate and support the creation of digital learning opportunities that can be cost-effectively shared across our entire state. For example, with the new Teacher Excellence Support System, there is a need to provide professional development that is personalized to meet the identified needs of teachers regardless of their local or content area. Technology can deliver solutions to meet these needs.

The Arkansas Legislature has exhibited a great effort toward addressing equity and adequacy issues through the provision and acquisition of broadband services for our K-12 public schools. However, Arkansas is currently not meeting its potential in the use of technology to drive instruction.

III. Facilities Funding for Open-Enrollment Public Charter Schools

An area which is of great concern to us is the possible lack of equity in the financing of educational facilities for open-enrollment charter schools. This point was even recognized by several educational organizations in their letters of opposition to Governor's Letter 14 from the recent fiscal session which asked for \$10,000,000 in funding for the Open-Enrollment Public Charter Facilities Loan Fund⁸. The letters are attached to this letter. We believe in equitable opportunities for state educational facilities assistance for both open-enrollment charter schools and traditional school districts. Furthermore, we note that from an adequacy and equity perspective, the public school facility issue is a part of current school finance litigation now making its way through the courts in Arkansas.

Charter schools (the term "charter schools" in this letter refers to "open-enrollment charter schools") do not statutorily qualify to access state financial assistance for academic facilities through the Arkansas Division of Public School Academic Facilities and Transportation (Division) Partnership Program. In documentation presented at your October 15, 2013 meeting, the Division showed that it has obligated \$926.9 million dollars for approved academic facilities partnership projects for school districts during the life of the program; \$213 million has been obligated for projects in the 2013-2015 cycle alone. Therefore, while to date, the state has provided over a billion dollars in state public school facility funding by way of its facilities assistance programs, open-enrollment charter schools are public schools of this state which have never received and are prohibited from receiving, state assistance from this program.

Besides being unable to access state partnership financial assistance, charter schools are unable to raise funds in their local communities by way of property tax millages as school districts can.

Recent studies such as the University of Arkansas Office for Education Policy's brief entitled "Traditional Public School and Charter School Funding"⁹ and the Charter School Facilities Initiative's "An Analysis of the Charter School Facility Landscape in Arkansas"¹⁰, provide research-based support for state facilities assistance for charter schools and suggest open-enrollment public charter schools must use a significantly disproportionate amount of educational foundation equity dollars to support facility needs. Both of these documents have been attached to this letter. As a real-life illustration of this problem, KIPP Delta Public Schools (KIPP) provided testimony before you on January 13, 2014 that it has incurred \$7,000,000 in debt to build its facilities. Eight (8) percent of KIPP's state foundation funding dollars go to debt service.

The General Assembly has taken positive steps in providing state financial assistance for charter schools with its 2013 enactment of Act 1255¹¹ (Open-Enrollment Public Charter School Facilities Loan Fund), and the appropriation of \$5,000,000 in per pupil funding for the Charter School Facilities Loan Fund Program. A copy of Act 1255 is attached. However, this is a loan program creating a debt obligation for the school and thus does not satisfy equity and adequacy consideration.

As open-enrollment public charter schools are the only public schools in Arkansas not receiving some form of non-debt obligated facility funding assistance from the state or to have public facilities actually provided for use as public schools, the General Assembly may also want to consider the continued viability of the right of first refusal given to charter schools for the use of closed, vacant or unused school district facilities as opposed to a right of access to such facilities. Given the apparent availability of such public school facilities, it seems that the intent of the General Assembly in Ark. Code Ann. § 6-23-501(d)(5) (i.e., the acknowledgment that taxpayers intended a public school facility to be used as a public school) may be better fulfilled with a change to a right of access process. A copy of Ark. Code Ann. §6-23-501¹² is attached to this letter.

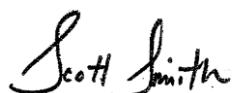
Charter schools are a vital and dynamic part of the public educational system in Arkansas, offering quality educational options to thousands of students throughout the state. In terms of academic achievement, charter schools are improving annually and the majority of them outperform the state average. For example in the recent Reward School recognition program which identifies the top 20 percent of schools based on academic achievement, academic growth and graduation rates, out of the 206 public schools recognized 5 were charter districts. This indicates that 29% of charter schools received this recognition while charters currently only serve 7,774 students across Arkansas which is 1.7 % of the student population. Some of the other evidence examined to address performance of charter schools includes: 1) Graduation Rate – 100% of the charter schools outperformed the State rate last year, 2) Literacy and Math Proficiency rate – which is determined by the percentage of students in grades 3-8 who met or exceeded Arkansas’ definition of proficiency on the state’s literacy and/or math Augmented Benchmark Exams resulting in 46% of the charters outperforming the state and 3) Recognition as an Exemplary School, the highest category, Haas Hall has been recognized for the past two years and in 2013 was one of only two districts receiving this recognition. Therefore, while charter schools are doing a quality job of educating their students, with the current educational dollars received I urge you to continue to work for more facilities funding opportunities for these schools.

These opportunities can be provided by developing a viable facility funding assistance program or some form of per pupil funding to ensure that they are able to fulfill and comply with their mandate to provide a constitutional, equitable and adequate quality education in proper, suitable facilities.

In conclusion, I ask that you give serious consideration and weight to the three issues that we have brought before you today.

Thank you for the opportunity to present this testimony to you.

Sincerely,



Scott Smith
Executive Director
Arkansas Public School Resource Center

List of Authorities Cited

- ¹ Act 1280 of 2013, codified at Ark. Code Ann. §6-16-1401 et seq. (copy attached)
- ² Ark. Code Ann. §6-16-1406 (a) (2)
- ³ Ark. Code Ann. §6-14-1406 (d)
- ⁴ “2013 ADE Bandwidth Survey”, October 14, 2013 (Revised October 24, 2013- Status Update), located at <http://www.arkansased.org/divisions/policy/quality-digital-learning-study> . (copy attached)
- ⁵ Arkansas Science and Technology Authority “Statewide Bandwidth Deficit by Demarc” Map, located at http://www.arkansased.org/public/userfiles/Legislative_Services/Quality%20Digital%20Learning%20Study/Maps/Deficit%20by%20Demarc.pdf (copy attached)
- ⁶ Act 1050 of 2011, codified at Ark. Code Ann. §23-17-409 (copy attached)
- ⁷ Digital Learning Report Card 2013-An Initiative of ExcelinEd located at <http://reportcard.digitallearningnow.com/#grade0> (copy attached)
- ⁸ Letters from the Arkansas Association of Educational Administrators; Arkansas School Boards Association, Arkansas Education Association, Arkansas Opportunity to Learn Campaign, Rural Community Alliance, Arkansas Citizens First Congress, and Arkansas Advocates for Children and Families; and Arkansas Rural Education, in opposition to funding for Open-Enrollment Charter School Facilities Loan Fund, submitted to the General Assembly in February, 2014 (copies attached)
- ⁹ University of Arkansas Office for Education Policy, “Traditional Public School and Charter School Funding”, Volume 11, Issue 1, January 2014 (copy attached)
- ¹⁰ Charter School Facilities Initiative, “An Analysis of the Charter School Facility Landscape in Arkansas”, October 2013 (copy attached)
- ¹¹ Act 1255 of 2013, codified at Ark. Code Ann. §6-23-901 et seq. (copy attached)
- ¹² Ark. Code Ann. §6-23-501 (copy attached)

¹Act 1280 of 2013, codified at Ark. Code Ann. §6-16-1401 et seq. (copy attached)

²Ark. Code Ann. §6-16-1406 (a) (2)

³Ark. Code Ann. §6-14-1406 (d)

1 State of Arkansas *As Engrossed: H3/18/13 H3/26/13 H4/4/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1785

4

5 By: Representative D. Douglas

6

7

For An Act To Be Entitled

8

AN ACT TO PROVIDE DIGITAL LEARNING OPPORTUNITIES IN
PUBLIC SCHOOLS; AND FOR OTHER PURPOSES.

9

10

11

12

Subtitle

13

TO PROVIDE DIGITAL LEARNING OPPORTUNITIES
IN PUBLIC SCHOOLS.

14

15

16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18

19 SECTION 1. Arkansas Code Title 6, Chapter 16, is amended to add an
20 additional subchapter to read as follows:

21

22 Subchapter 14 - Digital Learning

23

24 6-16-1401. Title.

25 This subchapter may be cited as The Digital Learning Act of 2013.

26

27 6-16-1402. Legislative intent.

28 (a) It is the intent of the General Assembly to:

29 (1) Provide for the expansion of digital learning opportunities
30 to all Arkansas public school students; and

31 (2) Remove any impediments to the expansion of digital learning
32 opportunities.

33 (b) This act does not authorize a government entity to provide
34 directly or indirectly basic local exchange, voice, data, broadband, video,
35 or wireless telecommunication service except as authorized under § 23-17-
36 409(b).



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

6-16-1403. Digital learning -- Approved provider list.

(a)(1) As used in this subchapter, digital learning means a digital technology or internet-based educational delivery model that does not rely exclusively on compressed interactive video.

(2) Digital learning services may be procured from both in-state and out-of-state digital learning providers.

(b) The Department of Education shall annually:

(1) Publish a list of approved digital learning providers that offer digital learning services; and

(2) Provide a copy of the list of approved digital learning providers to the House Committee on Education and the Senate Committee on Education no later than June 1 each year.

6-16-1404. Digital learning environment.

A digital learning environment shall be composed of:

(1) Access to quality digital learning content and online blended learning courses;

(2) Tailored digital content designed to meet the needs of each student;

(3) Digital learning content that meets or exceeds the curriculum standards and requirements adopted by the State Board of Education that is capable of being assessed and measured through *standardized tests or local assessments*; and

(4) Infrastructure that is sufficient to handle and facilitate a quality digital learning environment.

6-16-1405. Digital learning providers.

(a) To become an approved digital learning provider a digital learning provider shall submit proof that the provider:

(1) Is nonsectarian and nondiscriminatory in its programs, employment practices, and operations;

(2) Demonstrates or partners with an organization that demonstrates successful experience in furnishing digital learning courses to public school students as demonstrated by student growth in each subject area and grade level for which it proposes to provide digital learning courses;

1 (3) Meets or exceeds the minimum curriculum standards and
2 requirements established by the State Board of Education and ensures
3 instructional and curricular quality through a curriculum and accountability
4 plan that addresses every subject area and grade level for which it agrees to
5 provide digital learning courses; and

6 (4)(A) Utilizes highly qualified teachers to deliver digital
7 learning courses to public school students.

8 (B) A highly qualified teacher that delivers digital
9 learning courses under this subchapter is not required to be licensed as a
10 teacher or administrator by the state board.

11 (b) The Department of Education or state board shall not require as a
12 condition of approval of a digital learning provider that the digital
13 learning provider limit the delivery of digital learning courses to public
14 schools that require physical attendance at the public school to successfully
15 complete the credit for which the digital learning course is provided.

16
17 6-16-1406. Pilot program – Digital learning courses.

18 (a)(1)(A) Beginning in the 2013-2014 school year, all public school
19 districts and public charter schools participating in a pilot program shall
20 provide at least one (1) digital learning course to their students as either
21 a primary or supplementary method of instruction.

22 (B) The Department of Education shall adopt rules to
23 implement the pilot program, the purpose of which shall be to more smoothly
24 implement the requirements under subdivision (a)(2) of this section.

25 (2) Beginning in the 2014-2015 school year, all public school
26 districts and public charter schools shall provide at least one (1) digital
27 learning course to their students as either a primary or supplementary method
28 of instruction.

29 (b) All digital learning courses provided by public school districts
30 or public charter schools shall:

31 (1) Be of high quality;

32 (2) Meet or exceed the curriculum standards and requirements
33 established by the State Board of Education; and

34 (3) Be made available in a blended learning, online-based, or
35 other technology-based format tailored to meet the needs of each
36 participating student.

1 (c) Digital learning courses shall be capable of being assessed and
2 measured through standardized tests or local assessments.

3 (d) Beginning with the entering ninth grade class of the 2014-2015
4 school year, each high school student shall be required to take at least one
5 (1) digital learning course for credit to graduate.

6 (e) The State Board of Education shall not limit the number of digital
7 learning courses for which a student may receive credit through a public
8 school or a public charter school and shall ensure that digital learning
9 courses may be used as both primary and secondary methods of instruction.

10
11 *SECTION 2. DO NOT CODIFY.*

12 (a) Before the Ninetieth General Assembly convenes in 2015, the House
13 Committee on Education and the Senate Committee on Education shall implement
14 a comprehensive study in collaboration with the Department of Education, the
15 Department of Information Systems, and Arkansas service providers on methods
16 to establish and maintain the necessary infrastructure and bandwidth to
17 sufficiently facilitate and deliver a quality digital learning environment in
18 each school district and public charter school.

19 (b) The final report shall be delivered to the Speaker of the House of
20 Representatives and the President Pro Tempore of the Senate no later than
21 December 1, 2014.

22
23
24 /s/D. Douglas

25
26
27 **APPROVED: 04/16/2013**

⁴ “2013 ADE Bandwidth Survey”,
October 14, 2013 (Revised October 24,
2013- Status Update), located at
<http://www.arkansased.org/divisions/policy/quality-digital-learning-study>

2013 ADE Bandwidth Survey

October 14 2013

Rev. 10/24/13

Status Update

The bandwidth data in this presentation has been self-reported by school districts and is updated to reflect the most recent data entered by school districts as of 10/14/2013. For more information about this survey data, please contact Cody Decker, ADE Division Leader-Research & Technology at cody.decker@arkansas.gov.

Submission Status

254 Submissions

Academics Plus	Calico Rock	Drew Central	Hamburg
Alma	Camden Fairview	Dumas	Hampton
Alpena	Carlisle	Earle	Harmony Grove Ouachita
Ark School For The Blind	Cave City	East End	Harmony Grove Saline
Ark School For The Deaf	Cedar Ridge	East Poinsett Co	Harrisburg
Arkadelphia	Cedarville	El Dorado	Harrison
Arkansas Virtual Academy	Centerpoint	Elkins	Hartford
Armored	Charleston	Emerson-Taylor	Hazen
Ashdown	Clarendon	England	Heber Springs
Atkins	Clarksville	Estem High School	Hector
Augusta	Cleveland County	Eureka Springs	Helena/ West Helena
Bald Knob	Clinton	Farmington	Hermitage
Barton-Lexa	Concord	Fayetteville	Highland
Batesville	Conway	Flippin	Hillcrest
Bauxite	Corning	Fordyce	Hope
Bay	Cossatot River	Foreman	Horatio
Bearden	Cotter	Forrest City	Hot Springs
Beebe	County Line	Fort Smith	Hoxie
Benton	Covenant Keepers Charter	Fouke	Hughes
Benton County School Of Arts	School	Fountain Lake	Huntsville
Bentonville	Cross County	Genoa Central	Imboden Charter
Bergman	Crossett	Gentry	Izard Co Cons
Berryville	Cutter-Morning Star	Glen Rose	Jackson Co
Bismarck	Danville	Gosnell	Jacksonville Lighthouse Charter
Blevins	Dardanelle	Gravette	Jasper
Blytheville	Decatur	Green Forest	Jessieville
Booneville	Deer/Mt Judea	Greenbrier	Jonesboro
Bradford	Dequeen	Greene Co Tech	Junction City
Brinkley	Dermott	Greenland	Kipp Delta Public Schools
Brookland	Des Arc	Greenwood	Kirby
Bryant	Dewitt	Gurdon	Lafayette County
Buffalo Is Central	Dierks	Guy-Perkins	Lake Hamilton
Cabot	Dollarway	Haas Hall Academy	Lakeside Chicot
Caddo Hills	Dover	Hackett	Lakeside Garland

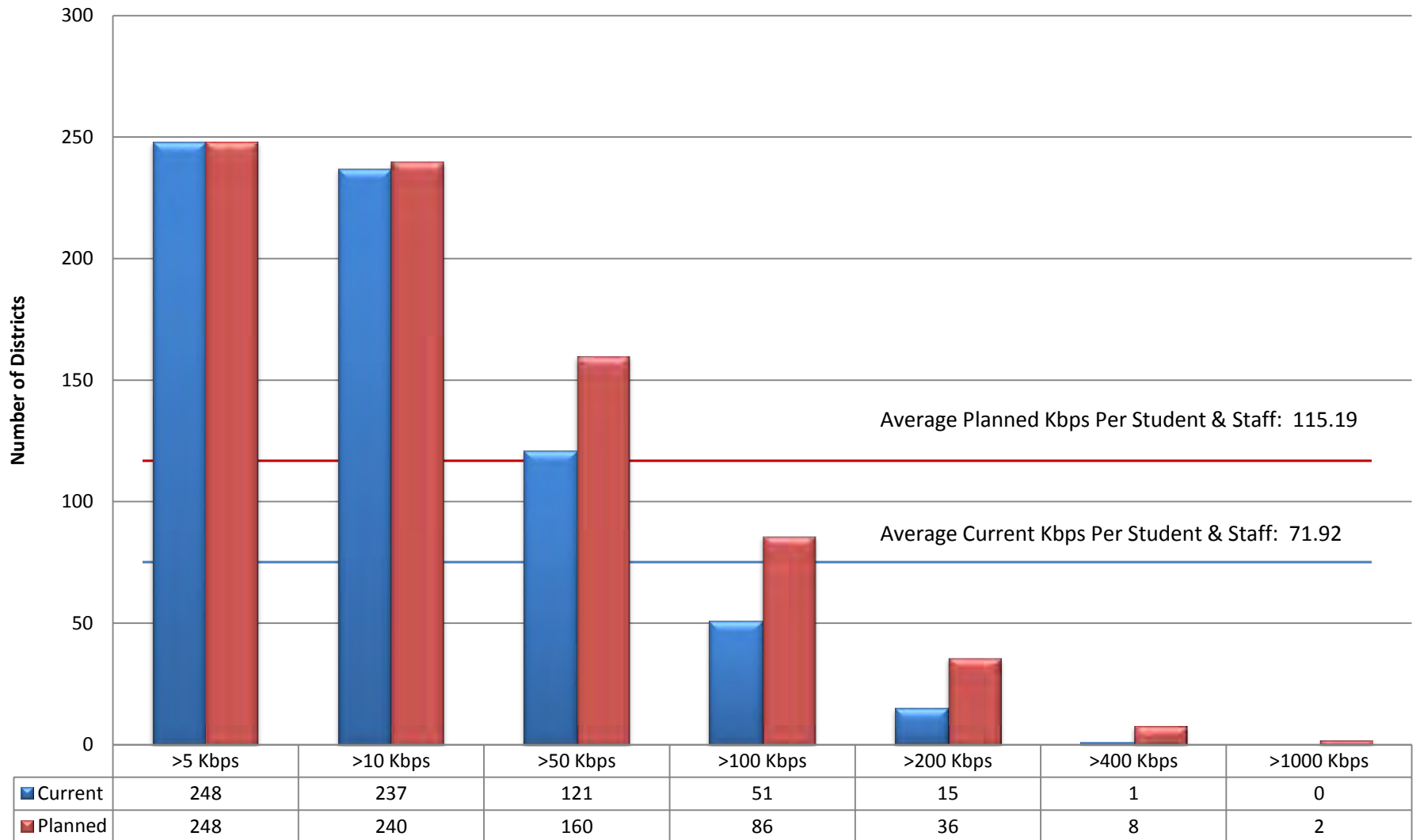
Submission Status

Lamar	Mountain Pine	Pulaski Co Spec	Van Buren
Lavaca	Mountain View	Quitman	Vilonia
Lawrence County	Mountainburg	Rector	Viola
Lead Hill	Mt Vernon/Enola	Riverside	Waldron
Lee County	Mulberry	Riverview	Warren
Lincoln	N Little Rock	Rogers	Watson Chapel
Lisa Academy	Nashville	Rose Bud	West Fork
Lisa Academy North	Nemo Vista	Russellville	West Memphis
Little Rock	Nettleton	Salem	West Side Cleburne
Little Rock Preparatory	Nevada	Scranton	Western Yell Co
Academy	Newport	Searcy	Westside Cons Craighead
Lonoke	Norfolk	Searcy County	Westside Johnson
Magazine	Norphlet	Sheridan	White Co Central
Magnet Cove	Omaha	Shirley	White Hall
Magnolia	Osceola	Siatech Little Rock Charter	Wonderview
Malvern	Ouachita	Siloam Springs	Woodlawn
Mammoth Spring	Ouachita River	Sloan-Hendrix	Wynne
Manila	Ozark	Smackover	Yellville-Summit
Mansfield	Ozark Mountain	So Conway Co	
Marion	Palestine-Wheatley	So Miss County	
Marked Tree	Pangburn	South Pike County	
Marmaduke	Paragould	South Side Vanburen	
Marvell-Elaine	Paris	Southside Independence	
Mayflower	Parkers Chapel	Spring Hill	
Maynard	Pea Ridge	Springdale	
Mccrory	Perryville	Star City	
Mcgehee	Piggott	Stephens	
Melbourne	Pine Bluff	Strong-Huttig	
Mena	Pine Bluff Lighthouse Academy	Stuttgart	
Midland	Pocahontas	Texarkana	
Mineral Springs	Pottsville	Trumann	
Monticello	Poyen	Two Rivers	
Mount Ida	Prairie Grove	Valley Springs	
Mountain Home	Prescott	Valley View	

Survey Results

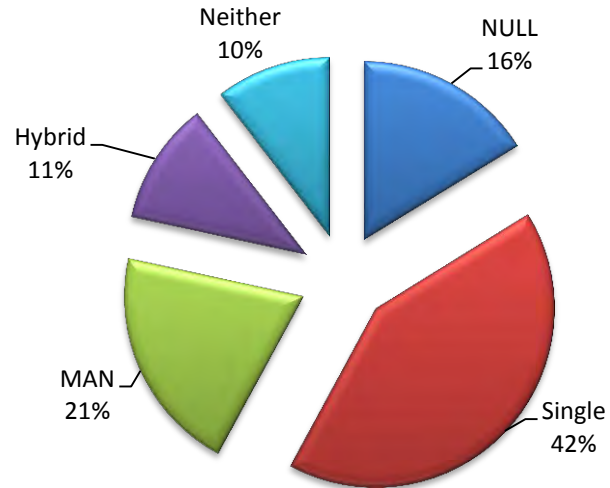
As of October 14, 2013

Current Vs. Planned Bandwidth Kbps Per Student & Staff by District



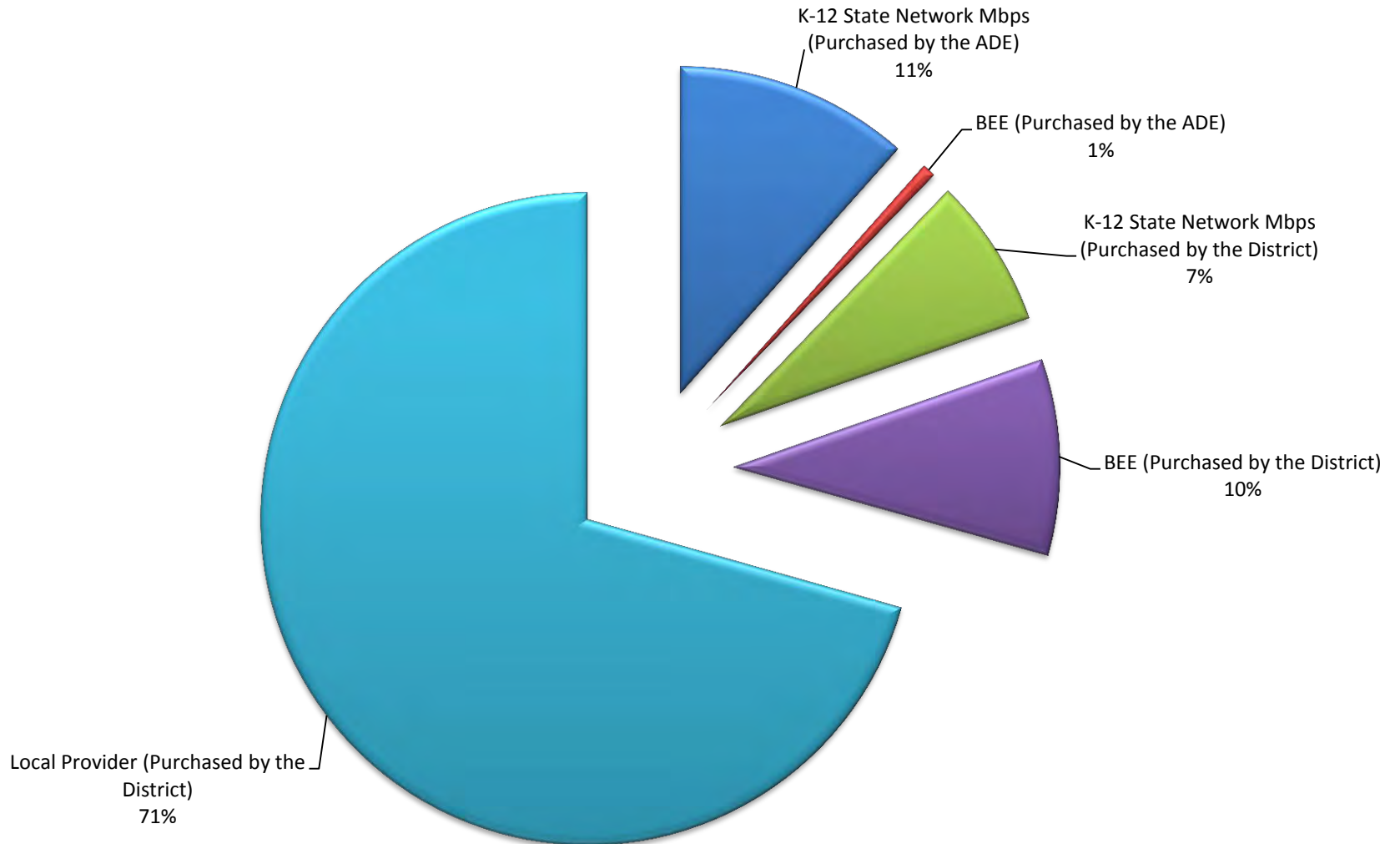
Network Type

Number of Demarcs: 556



- **SINGLE:** Single building or multiple buildings served by 1 demarc; 1 demarc per school campus
- **MAN:** Municipal Area Network
- **Hybrid:** Combination of Single and MAN
- *No Data Reported: 90 Demarcs*

Source of Bandwidth

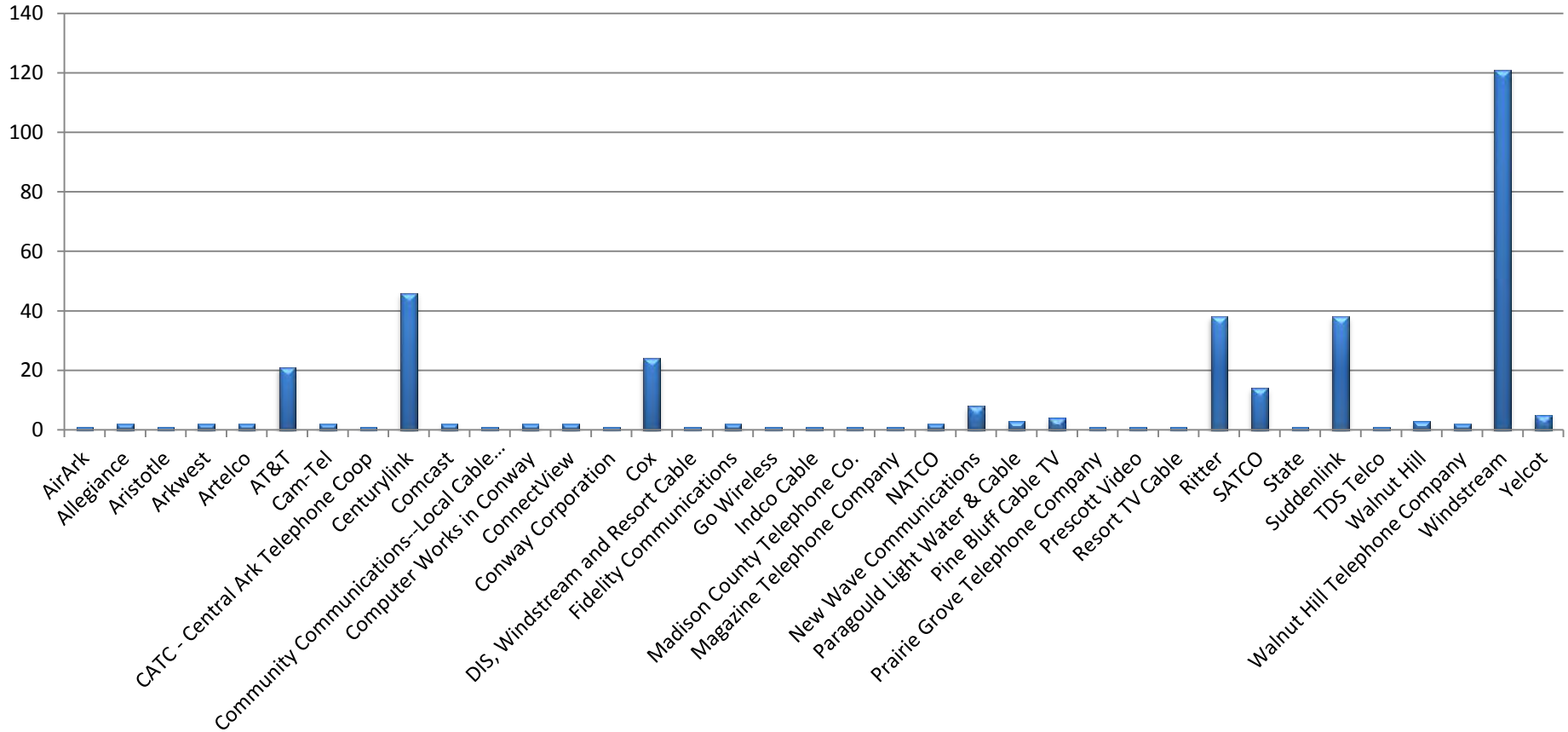


Current Bandwidth Statistics

As of October 14, 2013

Current Local Bandwidth Providers

367 Demarcs Reporting



Current Bandwidth

Averaged Across Districts

Mean: 113.00 Mbps

Median: 57.54 Mbps

Mode: 110.00 Mbps

Minimum: 1.50 Mbps

Maximum: 1703.51 Mbps

Standard Deviation: 180.89

Current Kbps per Student & Staff

Averaged Across Districts

Mean: 71.92 Kbps

Median: 47.10 Kbps

Mode: N/A

Minimum: 2.78

Maximum: 865.82 Kbps

Standard Deviation: 81.54 Kbps

Cost of **Current** Local Bandwidth

Averaged Across 278 Demarcs*

Mean: \$34.15 per Mb

Median: \$16.67 per Mb

Minimum: \$1.20 per Mb

Maximum: \$300.00 per Mb

Standard Deviation: \$43.25 per Mb

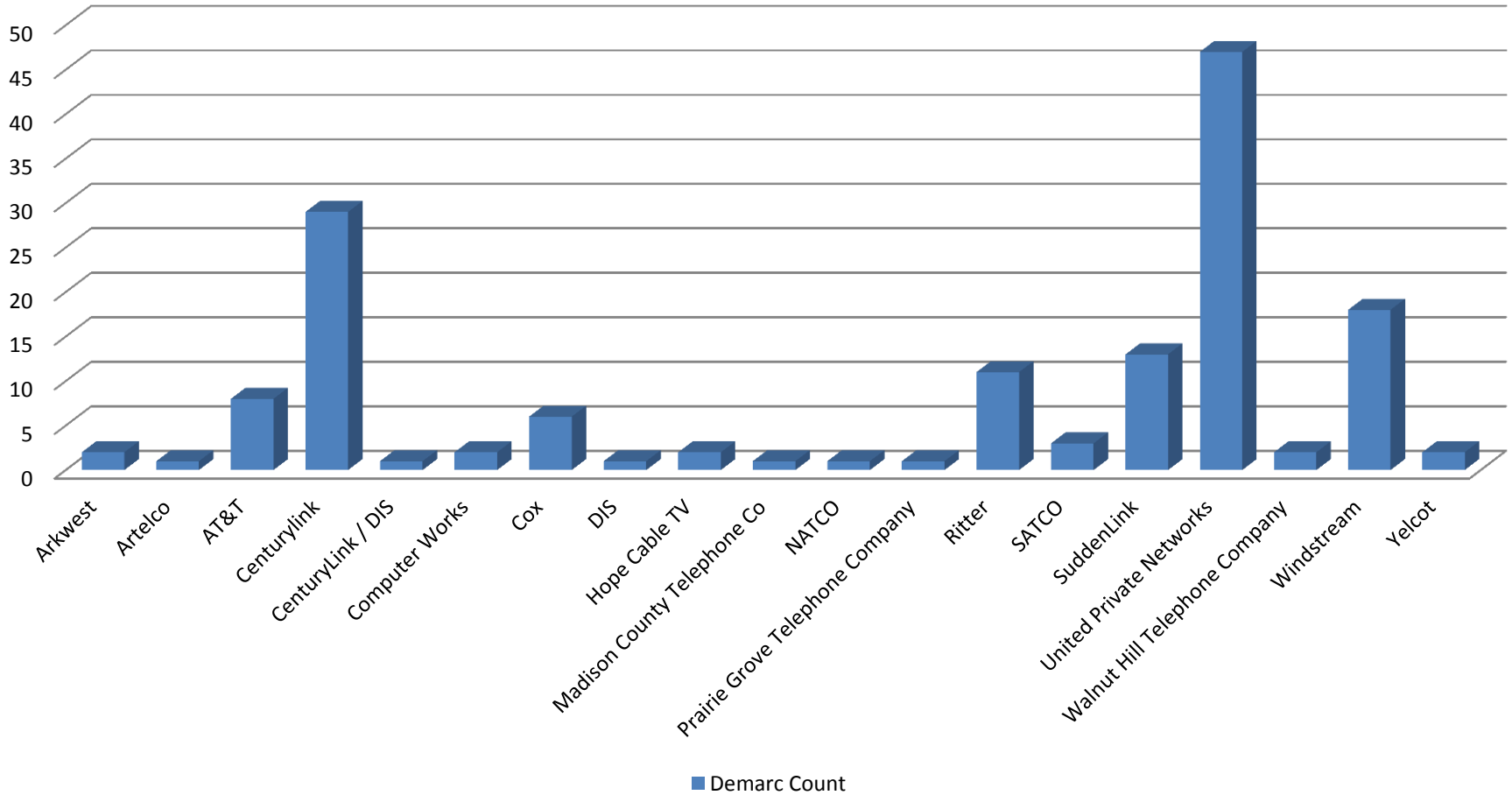
*Excludes LRSD's 48 Reported Demarcs

Planned Additions in Bandwidth and Providers

As of October 14, 2013

Planned Local Bandwidth Providers

151 Demarcs Reporting



Planned Bandwidth

Averaged Across Districts (107 Demarcs Reporting)*

Mean: 154.83 Mbps

Median: 60 Mbps

Mode: 100.00 Mbps

Minimum: 4 Mbps

Maximum: 2,000 Mbps

Standard Deviation: 323.13 Mbps

**Excludes LRSD's – 48GB Planned Purchase*

Planned Kbps per Student & Staff

Averaged Across Districts

Mean: 115.19 Kbps

Median: 66.50 Kbps

Minimum: 2.78 Kbps

Maximum: 1,855.45 Kbps

Standard Deviation: 178.04 Kbps

Cost of **Planned** Local Bandwidth

Averaged Across Demarcs (78 Reporting)

Mean: \$30.85 per Mb

Median: \$21.10 per Mb

Minimum: \$1.92 Per Mb

Maximum: \$162.69 per Mb

Standard Deviation: \$31.94 per Mb

*Excludes LRSD's 48 Reported Demarcs

Top Districts for Least and Most Bandwidth

TOP 20 Districts with **Least** Current + Planned Bandwidth

District Name	Number of Students & Staff	Current Bandwidth in Mbps	Planned Bandwidth In Mbps	Current + Planned Bandwidth in Mbps	Current Kbps per Student & Staff	Current + Planned Kbps per Student & Staff
LISA ACADEMY NORTH	565	1.54	0.00	1.54	2.78	2.78
BAUXITE SCHOOL DISTRICT	1182	4.50	0.00	4.50	3.90	3.90
BRINKLEY SCHOOL DISTRICT	688	3.00	0.00	3.00	4.47	4.47
BLEVINS SCHOOL DISTRICT	589	3.00	0.00	3.00	5.22	5.22
POYEN SCHOOL DISTRICT	635	3.38	0.00	3.38	5.46	5.46
HERMITAGE SCHOOL DISTRICT	517	3.00	0.00	3.00	5.94	5.94
EARLE SCHOOL DISTRICT	754	4.54	0.00	4.54	6.16	6.16
NEVADA SCHOOL DISTRICT	431	3.00	0.00	3.00	7.13	7.13
CUTTER-MORNING STAR SCH. DIST.	716	6.00	0.00	6.00	8.58	8.58
HELENA/ W.HELENA SCHOOL DIST.	879	7.61	0.00	7.61	8.86	8.86
WONDERVIEW SCHOOL DISTRICT	519	4.50	0.00	4.50	8.88	8.88
NORFORK SCHOOL DISTRICT	535	6.00	0.00	6.00	11.48	11.48
CEDAR RIDGE SCHOOL DISTRICT	975	11.00	0.00	11.00	11.55	11.55
MOUNTAIN HOME SCHOOL DISTRICT	4418	50.00	0.00	50.00	11.59	11.59
COVENANTKEEPERS CHARTER SCHOOL	265	3.00	0.00	3.00	11.59	11.59
CONWAY SCHOOL DISTRICT	10646	125.00	0.00	125.00	12.02	12.02
BENTON COUNTY SCHOOL OF ARTS	846	10.00	0.00	10.00	12.10	12.10
WHITE HALL SCHOOL DISTRICT	3219	40.00	0.00	40.00	12.72	12.72
SPRINGDALE SCHOOL DISTRICT	23176	300.00	0.00	300.00	13.26	13.26
SILOAM SPRINGS SCHOOL DISTRICT	6860	92.00	0.00	92.00	13.73	13.73

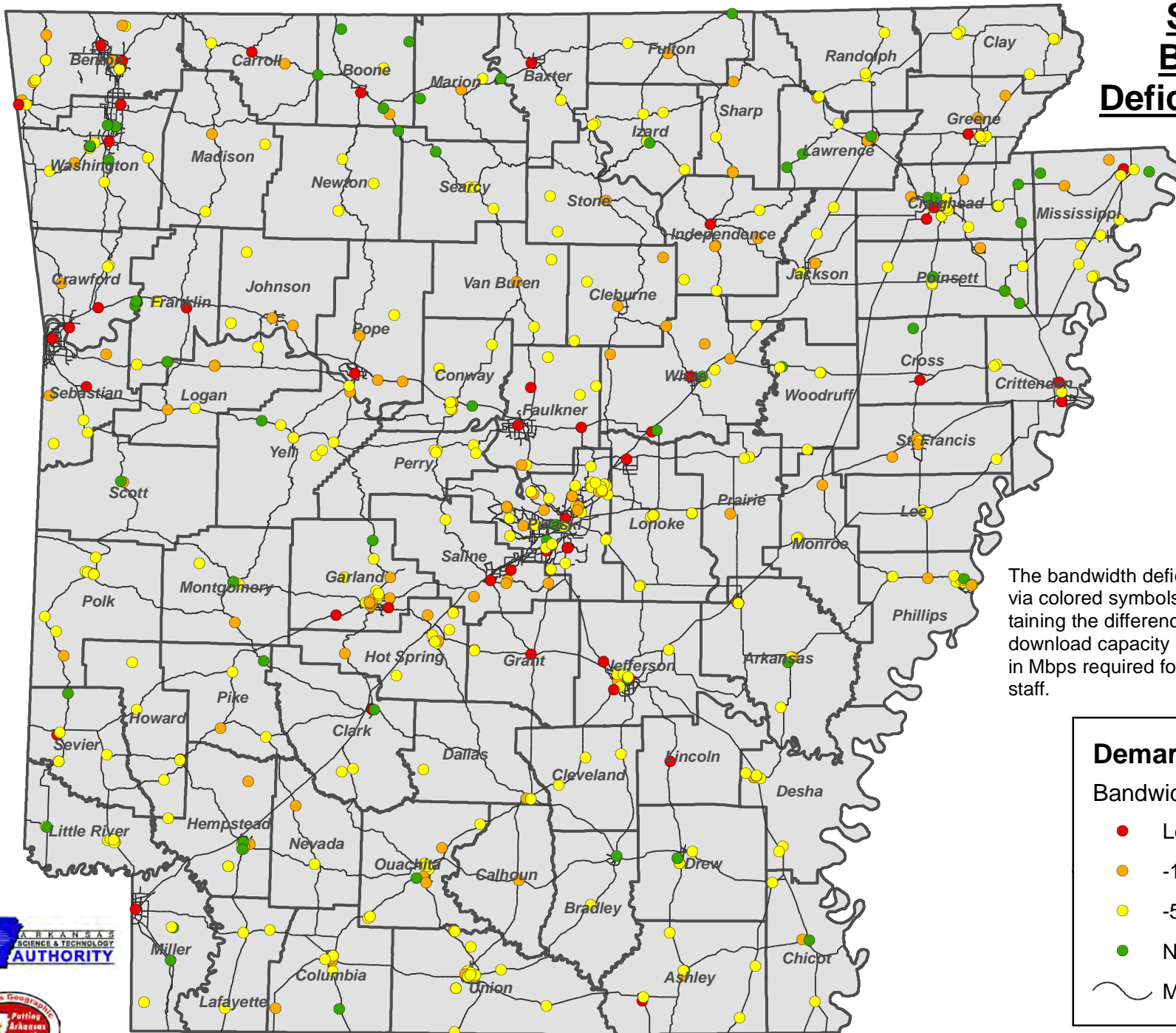
TOP 20 Districts with **Most Current + Planned** Bandwidth

District Name	Number of Students & Staff	Current Bandwidth in Mbps	Planned Bandwidth In Mbps	Current + Planned Bandwidth in Mbps	Current Kbps per Student & Staff	Current + Planned Kbps per Student & Staff
LITTLE ROCK SCHOOL DISTRICT	26926	661.00	48128.00	48789.00	25.14	1855.45
COTTER SCHOOL DISTRICT	756	104.00	1000.00	1104.00	140.87	1495.37
ARK. SCHOOL FOR THE BLIND	123	104.00	0.00	104.00	865.82	865.82
OZARK MOUNTAIN SCHOOL DISTRICT	853	163.00	300.00	463.00	195.68	555.82
PARIS SCHOOL DISTRICT	383	106.00	100.00	206.00	283.40	550.77
SMACKOVER SCHOOL DISTRICT	919	204.50	250.00	454.50	227.87	506.43
FOREMAN SCHOOL DISTRICT	646	203.00	110.00	313.00	321.78	496.15
PINE BLUFF LIGHTHOUSE ACADEMY	488	27.04	200.00	227.04	56.73	476.40
RIVERSIDE SCHOOL DISTRICT	519	202.00	0.00	202.00	398.55	398.55
JACKSONVILLE LIGHTHOUSE CHARTE	688	57.54	200.00	257.54	85.63	383.31
KIPP DELTA PUBLIC SCHOOLS	1343	150.00	300.00	450.00	114.37	343.11
RIVERVIEW SCHOOL DISTRICT	1569	517.00	0.00	517.00	337.42	337.42
ARK. SCHOOL FOR THE DEAF	164	53.00	0.00	53.00	330.93	330.93
GREENWOOD SCHOOL DISTRICT	4016	170.00	1024.00	1194.00	43.35	304.45
HIGHLAND SCHOOL DISTRICT	1732	110.00	400.00	510.00	65.03	301.52
BUFFALO IS. CENTRAL SCH. DIST.	945	209.00	50.00	259.00	226.47	280.65
FOUKE SCHOOL DISTRICT	802	216.30	0.00	216.30	276.17	276.17
DUMAS SCHOOL DISTRICT	1702	215.99	240.00	455.99	129.95	274.35
DECATUR SCHOOL DISTRICT	605	70.00	90.00	160.00	118.48	270.81
BRADFORD SCHOOL DISTRICT	545	36.00	100.00	136.00	67.64	255.53

⁵Arkansas Science and Technology Authority
“Statewide Bandwidth Deficit by Demarc” Map,
located at

http://www.arkansased.org/public/userfiles/Legislative_Services/Quality%20Digital%20Learning%20Study/Maps/Deficit%20by%20Demarc.pdf

Statewide Bandwidth Deficit by Demarc



The bandwidth deficit displayed on this map via colored symbols was calculated by obtaining the difference between total district download capacity in Mbps and the bandwidth in Mbps required for 100 Kbps per student or staff.

Demarc Locations	
Bandwidth Deficit	
●	Less than -150
●	-150 to -51
●	-50 to 0
●	No deficit present
~	Major Highways



⁶Act 1050 of 2011, codified at Ark. Code
Ann. §23-17-409

1 State of Arkansas As Engrossed: H3/17/11 H3/24/11 S3/28/11

2 88th General Assembly

A Bill

3 Regular Session, 2011

HOUSE BILL 2033

4

5 By: Representatives Vines, Barnett, Rice, Eubanks, Wren

6

7

For An Act To Be Entitled

8

AN ACT TO AMEND THE TELECOMMUNICATIONS REGULATORY
REFORM ACT OF 1997; AND FOR OTHER PURPOSES.

9

10

11

12

Subtitle

13

TO AMEND THE TELECOMMUNICATIONS

14

REGULATORY REFORM ACT OF 1997

15

16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18

19 SECTION 1. Arkansas Code § 23-17-409(b), concerning the authorization
20 of competing local exchange carriers in the Telecommunications Regulatory
21 Reform Act of 1997, is amended to read as follows:

22 (b)(1) A Except as provided in subdivision (b) of this section, a
23 government entity may not provide, directly or indirectly, basic local
24 exchange, voice, data, broadband, video, or wireless telecommunication
25 service.

26 (2) After reasonable notice to the public and a public hearing,
27 a governmental entity owning an electric utility system or television signal
28 distribution system may provide, directly or indirectly, voice, data,
29 broadband, video, or wireless telecommunications service, and make any
30 telecommunications capacity or associated facilities that it now owns, or may
31 hereafter construct or acquire, available to the public upon terms and
32 conditions as may be established by its governing authority, except the
33 government entity may not use the telecommunications capacity or facilities
34 to provide, directly or indirectly, basic local exchange service.

35 (3) Any restriction contained in this subsection shall not
36 be applicable to the provision of telecommunications services or



1 facilities to the extent used solely for 911, E911, other *emergency and law*
2 *enforcement services, educational or medical purposes,* or for the provision
3 of *data, broadband, or non-entertainment video telecommunications services or*
4 *facilities by an educational or to a medical institution or institution of*
5 *higher education to its students, faculty, staff, or patients, as the*
6 *provision relates to academic, research, and healthcare information*
7 *technology applications under the Arkansas Information Systems Act of 1997, §*
8 *25-4-101 et seq.*

9 *(4) This section does not prohibit a governmental entity from*
10 *purchasing voice, data, broadband, video, or wireless telecommunications*
11 *services directly or indirectly from a private provider through a contract*
12 *administered and services managed by the Department of Information Systems*
13 *under the Arkansas Information Systems Act of 1997, § 25-4-101 et seq.*

14
15 /s/Vines

16
17
18 **APPROVED: 04/01/2011**
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

⁷Digital Learning Report Card 2013-An Initiative of ExcelinEd located at <http://reportcard.digitallearningnow.com/#grade0>

DIGITAL
LEARNING
NOW



Digital Learning
Report Card
2013

Icons in the blue circle include: DELIVERY (Wi-Fi symbol), STUDENT ENGAGEMENT (graduation cap), STUDENT ACCESS (laptop with Wi-Fi), PLANNING (calendar and calculator), PERSONAL LEARNING (person with gear), ASSESSMENT & ACCOUNTABILITY (document with checkmark), ADVANCEMENT (person climbing stairs), QUALITY CHOICES (gears and people), QUALITY INSTRUCTORS (person with bar chart), and QUALITY CONTROL (hand with checkmark).

#DLNprogress

An Initiative
of ExcelinEd

Table of Contents

01	ACKNOWLEDGEMENTS
02	LETTER FROM GOVERNOR BUSH
03	EXECUTIVE SUMMARY
05	BACKGROUND ON DIGITAL LEARNING NOW
08	BACKGROUND ON DIGITAL LEARNING REPORT CARD
10	INTRODUCTION
13	YEAR IN REVIEW
25	THE 10 ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING AND 41 METRICS
26	ELEMENT 1. Student Eligibility: All students are digital learners.
28	ELEMENT 2. Student Access: All students have access to high-quality digital content and online courses.
30	ELEMENT 3. Personalized Learning: All students can customize their education using digital content through an approved provider.
32	ELEMENT 4. Advancement: Students progress based on demonstrated competency.
34	ELEMENT 5. Quality Content: Digital content, instructional materials, and online and blended learning courses are high quality.
36	ELEMENT 6. Quality Instruction: Digital instruction is high quality.
38	ELEMENT 7. Quality Choices: All students have access to multiple high-quality providers.
40	ELEMENT 8. Assessment and Accountability: Student learning is the metric for evaluating the quality of content and instruction.
42	ELEMENT 9. Funding: Funding creates incentives for performance, options, and innovation.
44	ELEMENT 10. Delivery: Infrastructure supports digital learning.
46	DIGITAL LEARNING LEGISLATIVE ACTIVITY
47	2013 LEGISLATIVE HIGHLIGHTS
51	SELECTED 2013 STATE-ENACTED LAW SUMMARIES
71	APPENDIX A: METHODOLOGY
73	APPENDIX B: ADDITIONAL RESOURCES

Acknowledgements

The Foundation for Excellence in Education and Digital Learning Now would like to thank the legislators, education officials, state chiefs, and education reform leaders we work with across the country to advance student-centric reforms.

The Foundation for Excellence in Education and Digital Learning Now would also like to thank the following for their generous support:

- Bloomberg Philanthropies
- Carnegie Corporation of New York
- Bill & Melinda Gates Foundation
- The Eli & Edythe Broad Foundation
- The Charles & Helen Schwab Foundation
- The Kovner Foundation
- The Leona M. & Harry B. Helmsley Charitable Trust
- Robertson Foundation
- Walton Family Foundation

The Foundation for Excellence in Education and Digital Learning Now would like to thank the following national experts and organizations for providing guidance, feedback, and support which helped to inform the development of the 2013 Digital Learning Report Card:

- Chiefs for Change
- Data Quality Campaign
- Getting Smart
- iNACOL
- Clayton Christensen Institute for Disruptive Innovation
- SETDA

Finally, this report was developed through the tireless efforts of the entire team at the Foundation

for Excellence in Education and Digital Learning Now, particularly John Bailey, Nathan Martin, Erin Lockett, Dave Myslinski, Elizabeth Emery, and Jennifer Blalock.

About ExcelinEd

Founded by former Governor Jeb Bush in 2008, the mission of the Foundation for Excellence in Education (ExcelinEd) is to ignite a movement of reform state by state to transform education for the 21st century. ExcelinEd's unique contribution is working with decision makers on developing, adopting, and implementing education reform policies.

About Digital Learning Now

Digital Learning Now is a national initiative under ExcelinEd with the goal of advancing state policies that will create a high-quality digital learning environment to better equip all students with the knowledge and skills to succeed in this 21st-century economy. The policy framework stems from the belief that access to high-quality, customized learning experiences should be available to all students, unbounded by geography or artificial policy constraints.

Contact Information

Digital Learning Now

info@digitallearningnow.com

[@DigLearningNow](https://twitter.com/DigLearningNow)

[Facebook.com/DigitalLearningNow](https://www.facebook.com/DigitalLearningNow)

<http://www.DigitalLearningNow.com>



This work is licensed under a [Creative Commons Attribution-ShareAlike 3.0 Unported License](https://creativecommons.org/licenses/by-sa/3.0/).



JEB BUSH
Governor of Florida
 from 1999-2007

Founder and Chairman of the
 Board of the Foundation for
 Excellence in Education

Photo Credit: Reasoning Mind

I've had the great fortune to visit hundreds of schools and see work in action before, during and after my time as governor. Throughout this 20-year period, I've watched the same situation repeat itself: Teachers are tasked with educating a room full of eager students, but experience frustrations from the limitations of a traditional classroom.

There is a wide range of student ability in each classroom, but teachers have been forced to teach to the middle. Even as they see students struggling, needing just a little more time to master a topic, they themselves lack the time to give them much-needed guidance. Meanwhile, they see advanced students complete assignments effortlessly, but don't have the time to cultivate their gifts and encourage them to push forward.

Fortunately, this is changing. I am encouraged by the many new, innovative classrooms, programs, and schools that have infused technology into learning, creating unique learning experiences for each student, tailored to his or her need.

2013 has seen state lawmakers breaking down old, artificial policy barriers that needlessly kept students in lock-step with each other. As this Digital Learning Report Card highlights, more states are allowing students to customize their education in a way that best meets their learning style, and empowers them with the knowledge and skills necessary to succeed in college and the workplace.

While school choice options are steadily expanding, allowing more blended-learning and virtual options to flourish, bold state lawmakers have decided to go even bigger: Several states now are providing students choices down to the individual course level. These course choice programs give students flexibility in choosing individual courses, providers, and course format. Unheard of just four years ago, forward-thinking policymakers, teamed with diligent education agencies, have expanded course choice, making millions of students eligible in states such as Texas, Louisiana, and Utah.

This Report Card recognizes the work that has been done to make students the center of education. But it has a second mission: It lays a path forward for states as they provide high-quality digital options for all students. It is a resource for states to assist each other as they work together, sharing lessons learned and helping each other avoid pitfalls.

The heart of education is oftentimes lost in the conversation about education. I'm proud to see a growing number of states put a renewed focus on children. We need to continue their hard work and ensure each child has the opportunity to achieve their own maximum potential.

Sincerely,

State policy can remove barriers to innovative approaches or it can stifle them with restrictions, red tape, and reinforcement of traditional, unsustainable approaches. It can accelerate reform or it can further entrench the status quo. Without changing state policy, innovative tools and models will fail to scale. More importantly, our system will not be able to meet the needs of today's students for the challenges they will face in a rapidly changing world.

Digital Learning Now created the Digital Learning Report Card to evaluate each state's progress in advancing reforms aligned to the **10 Elements of High-Quality Digital Learning**. The intent is to provide an annual summary of state laws and policies to better understand what states are doing to create a policy ecosystem that embraces new education models, promotes the use of technology to meet the needs of all children, and breaks down the barriers that constrain student-centric innovations.

The Report Card is also intended to drive discussion and debate around the best approach states can use in their unique circumstances to leverage technology to improve student outcomes. By building awareness, Digital Learning Now hopes to mobilize parents, students, teachers, school leaders, education entrepreneurs, other education reform leaders, and policymakers behind the spirit of the 10 Elements and demand progress for their students.

The Digital Learning Report Card does not evaluate school models, blended learning systems, or the quality of online instruction. Rather, it evaluates the policy climate that affects those outcomes. Quality is imperative and several of the measures explore the policies states have in place to hold next generation

models of learning accountable for improving student outcomes.

The Report Card clearly shows that states are rising to the challenge of supporting next generation models of learning. In 2013, states debated more than 450 digital learning bills with 132 signed into law. This builds on a record year in 2012 when state lawmakers introduced nearly 700 bills and signed 152 into law.

As we said in 2012, what is of paramount importance in digital learning policy is not technological issues but rather ensuring that the technology is used to accelerate important education reforms, better equip teachers with the tools and support they need to succeed, and guaranteeing that students are receiving the engaging, high-quality education they need and deserve in order to be ready for college and careers. The moral imperative before us is the urgency to reform a system of education to better serve the needs of students and prepare them for the jobs and world they will face.



**GOVERNOR JEB BUSH,
SECRETARY CONDOLEEZZA
RICE, LAURENE POWELL JOBS
WITH SAL KHAN**

July 15, 2013

[Watch Video](#)

<http://bit.ly/1pqaPbn>

**DIGITAL
LEARNING
NOW**

Background on Digital Learning Now





Digital Learning Now is a national initiative under the Foundation for Excellence in Education with the goal of advancing state policies that will create a high-quality digital learning environment to better equip all students with the knowledge and skills to succeed in this 21st-century economy. The policy framework stems from the belief that access to high-quality, customized learning experiences should be available to all students, unbounded by geography or artificial policy constraints.

In 2010, former Florida Governor Jeb Bush and former West Virginia Governor Bob Wise co-chaired the convening of the Digital Learning Council to define the policies that will integrate current and future technological innovations into public education. The Digital Learning Council united a diverse group of more than 100 leaders from education, government, philanthropy, business, and technology to develop a roadmap of reform for local, state, and federal policymakers. The Digital Learning Council was commissioned to identify a set of policy elements needed to support digital learning based on the following guiding principles:

- **Aspirational:** The elements are bold. When achieved, the elements will transform education for the digital age.
- **Comprehensive:** The elements encompass technology-enhanced learning in traditional schools, online and virtual learning, and blended learning models that combine online and on-site learning.
- **State-focused:** The elements are directed toward state laws and policies with the recognition that federal and local governments also play a role in providing a high-quality education.



KEYNOTE WITH CLAYTON CHRISTENSEN

October 23, 2013

[Watch Video](#)

<http://bit.ly/1fQnEcm>

- **Measurable:** The elements can be measured.
- **Long-term:** The elements create a roadmap for states to achieve a high-performing education system for the long-term. States should be measured based on their progress toward achieving the elements.

During the fall of 2010, the Digital Learning Council defined the elements and identified the actions that need to be taken by lawmakers and policymakers to foster a high-quality, customized education for all students. This includes technology-enhanced learning in traditional schools, online and virtual learning, and blended learning that combines online and on-site learning.

This work produced a consensus around the **10 Elements of High-Quality Digital Learning** that identified specific issues and policies states need to address in order to support emerging next generation models of learning.

10 Elements of High-Quality Digital Learning

01 Student Eligibility: All students are digital learners.



02 Student Access: All students have access to high-quality digital content and online courses.



03 Personalized Learning: All students can customize their education using digital content through an approved provider.



04 Advancement: Students progress based on demonstrated competency.



05 Quality Content: Digital content, instructional materials, and online and blended learning courses are high quality.



06 Quality Instruction: Digital instruction is high-quality.



07 Quality Choices: All students have access to multiple high quality providers.



08 Assessment and Accountability: Student learning is the metric for evaluating the quality of content and instruction.



09 Funding: Funding creates incentives for performance, options, and innovation.



10 Delivery: Infrastructure supports digital learning.



DIGITAL
LEARNING
NOW

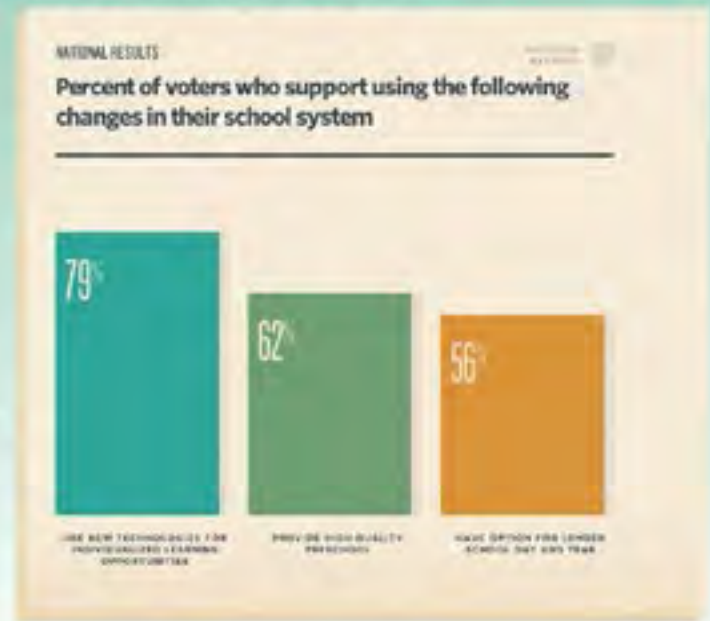
Background on Digital Learning Report Card



08

What's more popular than pre-K and longer school days? (Hint: you're using it now)

In every region, using technology to provide individualized learning is a more popular proposal for improving local schools than providing high-quality preschool and extending the school day.



The Education Roadtrip

Source: 50Can

View Infographic

<http://bit.ly/1eh3CpP>

To gauge states' progress, Digital Learning Now identified 41 actionable metrics that examine state laws, administrative rules, and other policy levers that identify what is needed to ensure the 10 Elements are addressed. These metrics, divided among the 10 Elements, provide states with a framework of the policies that should be in place in order to create an environment that supports a broad system of digital learning.

In 2011, Digital Learning Now released the [Roadmap for Reform: Digital Learning](#), a comprehensive guide to specific policies based on the 10 Elements of High-Quality Digital Learning. In 2012, the Digital Learning Report Card incorporated numerous suggestions and feedback received from state officials and thought leaders, including improvements to make the metrics used in measuring the 10 Elements more specific and actionable, simplified metrics to eliminate potential duplication and confusion, and leveraging existing data to minimize the data collection burden on states.

The 2013 Digital Learning Report Card continued to make improvements based on feedback from 2012. Emphasis was put on amplifying state voices, refining metrics to create a broader picture of digital learning across the nation, and improving presentation for advocacy and measurement.

The Report Card also recognizes the hard work states—legislators, governors, state chiefs, dedicated staff, and many others—are making toward achieving the 10 Elements. Multiple levels of partial credit are identified as states push forward in creating an environment where digital learning can thrive.

These report cards have been instrumental in helping to spur policy changes as well as offer a roadmap for the reforms needed to help make personalized learning a reality for all students. Digital Learning Now's extensive network of policy experts, state leaders, and innovators provides a powerful facilitator to help state leaders develop, implement, and scale innovations to improve education.

**DIGITAL
LEARNING
NOW**

Introduction





For the student in 2014, learning begins before the first bell and ends long after they walk out of the schoolhouse.

Whether editing wikis, turning in homework for a MOOC, or learning Arabic by chatting with their language partner from Marrakesh, students know that what happens in the four walls of their classroom is only one part of their academic life.

State education policy should enhance the connected life of the student, not restrict it. When students walk into the classroom, antiquated policy restrictions on time and place should not hamper their ability to receive the best instruction and content that the 21st Century can offer. While many students now experience the benefits of digital learning, countless others are still left behind.

State and local governments are emerging as the new battlegrounds for innovative models of learning. We have seen this before. From cities such as Washington, D.C. trying to ban services like Uber to state legislators voting to ban next generation vehicles like Tesla, new innovations are confronting barriers created by policy and regulation.

Across the country, legislators are considering new laws that will either restrict or accelerate new Internet-based models of learning. Policy can help accelerate reforms and scale innovation, or it can protect the status quo and further entrench old models. Policy shapes the regulatory environment in which online providers

operate, how schools can award credit, and how funding decisions are made. Policy can also limit these disruptive models through geographic or enrollment caps, or by restricting the use of funds to purchase digital content.

New models of learning such as online schools, blended learning, and competency-based learning are encountering legacy regulations and laws designed to protect the traditional approaches to learning. State policy can free up funds to flow to digital content or it can reinforce print resources. Policy can open up new models of learning, or it can shut them out, just as Illinois did this last session when it passed a law banning the creation of any new virtual schools. Sometimes, legislation does both. In Texas, the legislature passed a bill that gave 2.5 million students the option of taking up to three courses online while simultaneously freezing the launch of any new full-time online school.



THE PROMISE OF DIGITAL LEARNING

November 6, 2013

[Watch Video](#)

<http://bit.ly/1eu196K>

The opportunity for policymakers and education leaders is to usher in the next generation of education in America. The Internet and new technologies can be a catalyst for rethinking the way we organize learning, provide instruction, and meet the needs of students, teachers, and parents. Digital learning can:

- Personalize learning for each student's unique needs. Teachers have longed for the ability to differentiate instruction for students and now can thanks to technology that helps to individualize the lessons, activities, and instruction for students.
- Empower teachers, parents, and leaders with secure, protected real-time data and analytics to adjust instruction, match the right interventions to the right students at the right time, and glean new insight into student learning.
- Expand access to the best content, resources, and learning opportunities, thereby increasing choices available to students, regardless of location. The best way to scale resources to meet the new challenging Common Core State Standards or courses such as AP is leveraging online platforms.
- Equip teachers with productivity tools to help them manage instruction, find the right content for their class, and save time spent on repetitive, mundane paperwork. The connected learning models are also redefining the teaching profession with new career opportunities and jobs that didn't exist a decade ago.
- Enable new models of schools, instruction, and interventions. Schools are flipping classroom models to have students watch lectures after school in order to provide more interactive classroom discussion during the school day. New blended learning schools and classrooms are taking the best of online learning and creating new approaches to teaching and learning.

- Engage students through rich content, games and simulations that can boost motivation and persistence. A playlist of powerful learning experiences for homework (or summer work) holds the promise of extended learning time. Dynamic grouping and online connections makes learning more (not less) social.

The emerging models of learning that are student-centric, flexible, and results-based are demonstrating success in some of our most challenging and chronically underperforming school systems. Often, these schools are taking advantage of the innovations offered by blended learning technology platforms and combining them with the regulatory freedom offered under charter school laws, seat time requirements, and other teacher reforms to develop entirely new models of education.

It is important to examine state policy and evaluate whether it is accelerating or restricting next generation approaches to education. Such efforts help to identify opportunities for reform, best practices that can be replicated, and important trends that need to be better understood. The framework outlined in this report intends to provide the flexibility that allows these innovative models to be tested, refined, and expanded.



Photo Credit: Orlando Sentinel Photographer Joe Burbank

DIGITAL
LEARNING
NOW

Year in Review

In 2013, states sought to keep students at the center of digital learning policies. Legislation addressed such issues as student access high quality courses, the careful and effective use of data, and flexibility to allow student advancement based on competency rather than seat time. It is clear that the promise of a customized education through digital learning has caught the attention of the policymakers who debated more than 450 bills and enacted 132 into law.

"In Florida, we are trying to expand access for students, while helping to demystify digital learning for the public so that they are more comfortable with these new models of learning," said Florida State Representative Manny Diaz, Jr., co-sponsor of **HB 7029**, a key piece of legislation that was passed in 2013 to expand online options for students to include Massive Open Online Courses (MOOCs). "We don't want to replace teachers, but we do want to enhance their ability, and allow them to reach more students outside of their own schools and different learners inside their own classrooms."

The **10 Elements** are based on the belief that high-quality digital learning can improve instruction and expand the options for students in every school setting. Whether it's Algebra I at a personalized pace, assessments pinpointing comprehension rather than completion, or teachers empowered with instantaneous feedback from every student in their classroom, the power of digital learning is transforming classrooms across America.



BLENDED LEARNING MODELS

November 6, 2013

[Watch Video](#)

<http://bit.ly/1fpwMod>

Advances

Arkansas and Nevada made huge gains on the Report Card in 2013. Arkansas emphasized increasing student eligibility for digital learning, making huge strides in policy with **HB 1785** in April. The bill clearly establishes an approved provider list for digital learning and ensures that — in the 2014-2015 school year — every student will have the opportunity to take at least one digital learning course.

Among other policy shifts, Nevada focused on removing access restrictions to digital learning with **SB 58**. Under the leadership of Governor Brian Sandoval and State Superintendent of Public Instruction Dale Erquiaga, the state stands poised to focus on education in 2014.

"All students deserve access to high quality digital learning. We serve a diverse population of students and must modernize our education system in Nevada to ensure that all students in all districts receive equal opportunity and access. We're excited about the progress we've made in the Digital Learning Now Report Card over the last year, but we know the work isn't done. We remain committed to building an education system where students in rural Pershing County can have the same opportunities as those in Clark County. State policy must not stand in the way of students receiving the individualized instruction they need and deserve."

Dale Erquiaga

Nevada State Superintendent of Public Instruction

On the ground, states continued to build on existing policy and expand meaningful digital learning opportunities for students.

"In Rhode Island, digital instruction is transforming the way we think about schools, classrooms, teaching, and learning," said Deborah A. Gist, Rhode Island Commissioner of Elementary and Secondary Education. "Twelve of our school districts are offering students a total of 235 online courses, four districts are offering hybrid or blended-learning opportunities, and two new blended-learning schools opened this fall. In our two Innovation Powered by Technology model schools, students and teachers are creating learning environments that others are emulating. In many classrooms across the state, we see teachers and students who are working in small teams and one on one, using technology to create and collaborate and to meet the individual learning needs of every student. We are eagerly welcoming technology into the classroom – and into the hands of our teachers and students!"

Course Choice

Few states illustrated the promise and challenges of implementing digital learning during 2013 more starkly than Louisiana's **Course Choice** program.

Before the ink dried on 2012's **HB 976**, Louisiana Governor Bobby Jindal and State Superintendent of Education John White knew that the success of course choice—while providing students across Louisiana with access to high-quality academic and career preparation course offerings—would require quality planning, sound execution, and relentless persistence.

The law creating Louisiana's Course Choice program made students eligible to a wide range of courses composed of online, blended, and face-to-face course offerings. Students attending C, D, or F rated schools could enroll in any academically appropriate course, and the course tuition would be paid by public education funding. Students in A and B rated schools would receive public funding if they enrolled in courses not offered by their school.

As 2013 began, the Louisiana Department of Education (LDE) Course Choice team was hard at work completing months of preparation for the first year of registration and instruction. The LDE developed and implemented a comprehensive four-stage process to recruit, review, and approve course providers. 94 course providers submitted applications, but only 42 ultimately received approval to offer courses. The process signaled that the LDE was serious about setting a high bar for provider quality.

"Course Choice offers a broad range of new opportunities to students who previously didn't have access to these course offerings. St. James Parish became a course provider to help school districts with fewer resources offer courses that their students otherwise wouldn't have been able to take."

Dr. Alonzo Luce

St. James Parish Schools Superintendent

The LDE also worked with a company called Agilix to customize and then license their online registration system, providing Course Choice with a multi-functional web-based system that allowed parents, students, and educators to shop for course offerings. When registration opened in March 2013, the LDE experienced a flood of thousands of enrollment requests.

The most challenging aspect of the program proved to be the funding mechanism. "Funding followed the student"—the legislation indicated that each student could take up to five course choice courses. Each course was funded with up to 1/6th of 90% of that student's funding formula. The rest of that student's funding remained with the school district to compensate for facility overhead, as well as computer access and supervision for the student working on Course Choice courses during the school day.

Almost immediately this new and innovative funding formula was challenged in court, one of several lawsuits filed to overturn Governor Jindal's education reform legislation. In May 2013, all debate came to a sudden stop, as the **Louisiana Supreme Court ruled 6-1** that the funding mechanism for Louisiana Course Choice, as well as the state's widely heralded scholarship or "voucher" program, authorized in HB 976 was unconstitutional.

This decision was widely misunderstood. The ruling explicitly stated that the course choice program itself was constitutional, but that the per-pupil allocation must go to public schools. The remedy was simply using set aside funding for the program. The LDE set it up as a limited-enrollment state-funded pilot program, rebooted the program with \$2 million from a state legal settlement fund, and brought an overhauled registration system back online within weeks.

The response was a surge in enrollments driven by a user-friendly portal and the availability of LDE counselors to answer questions and provide support during the registration process. Within days of reopening registration, the available funding was exhausted by another rush of student enrollments.

With a long waiting list of students hoping to participate in course choice, the LDE (in an analogy offered by Superintendent White) "looked under the sofa cushions to find loose change," and scraped together the funding necessary to enroll more than 2,700 students who requested options available through the pilot.

Course instruction began as scheduled in August, and students have been hard at work ever since. Students are enrolled in AP courses and world languages, Algebra and Civics, welding, pipefitting, and electrical, as well as a range of college courses. Course providers include national online stalwarts like Amplify and Edgenuity, as well as Louisiana providers like Associated Builders and Contractors, Bard Early College, Louisiana School for Mathematics, Science, and the Arts, and St. James Parish.

"St. James became a course provider to meet the needs of students across the state," said Superintendent Dr. Alonzo Luce of St. James Parish Schools. "We already

let students in neighboring parishes utilize our facilities and our online courses—ours was an effective platform, sharing is just a smart, better use of resources. Course Choice enabled us to open our doors to students across the state."

While the first year of instruction is ongoing, the LDE Course Choice team evaluated a new slate of course providers. Louisiana's Board of Elementary and Secondary Education (BESE) has approved 17 additional course providers with innovative course offerings such as occupational therapy, career readiness, advanced manufacturing, and agricultural sciences.

While Louisiana continues to develop a constitutional and sustainable funding formula for this program, it has built a strong platform for innovation, a marketplace of courses, and a demand for traditional schools to be hubs of opportunity and options for students. Louisiana, and the talented team at the LDE, has shown a willingness to adapt, learn, and keep students the focus of its policy implementation.

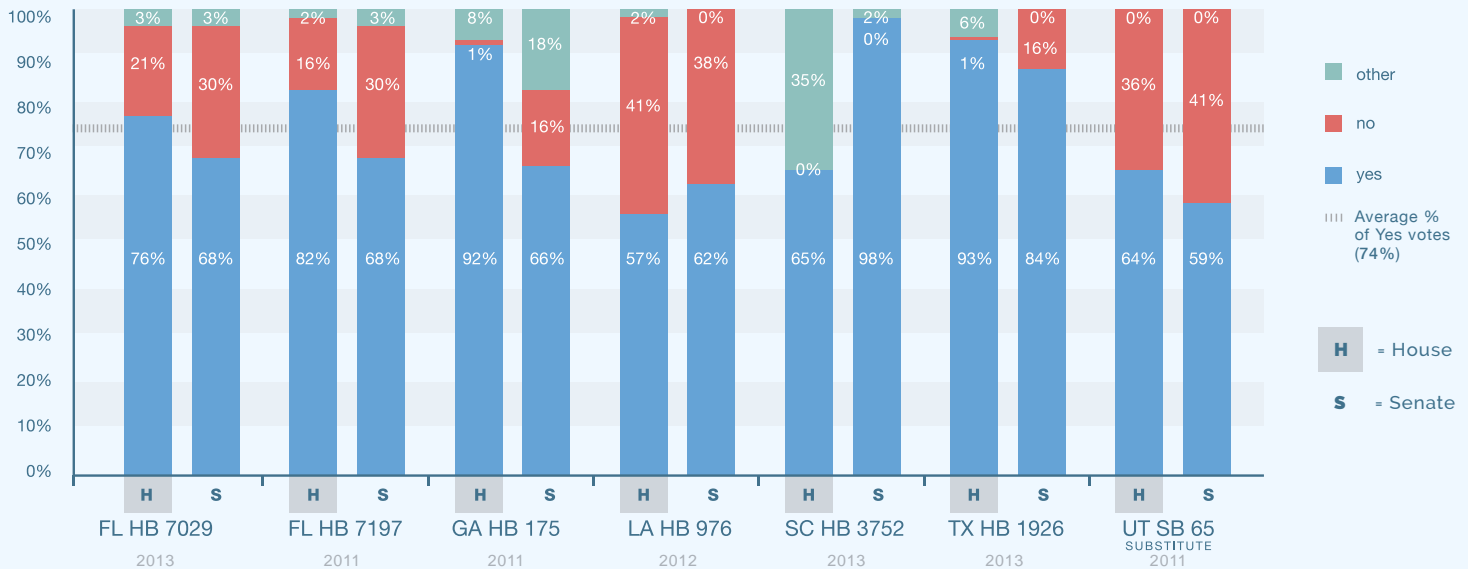
"Students, parents, and educators in Louisiana are seeing the value of Course Choice," said Superintendent John White. "This is about expanding access for all students, whether in rural or urban areas, to the high-quality educational options they need and deserve. Whether taking welding classes or a foreign language, we believe that the parents and students of Louisiana will continue to embrace and benefit from this platform of opportunity."

Course Choice is on the move nationwide.



MULTI-YEAR COURSE CHOICE LEGISLATION: HOUSE & SENATE VOTES

An analysis of course choice legislation from 2011-2013 shows Course Choice passing with bipartisan support.



One of the big stories in 2013 was the broad and sustained education coalition that came together in Texas to pass **HB 1926** in May. The legislation establishes a course choice marketplace and expands student eligibility to three courses per year for students in grades 6-12 (an estimated 2.5 million students). It allows provider approval to take place on a rolling basis throughout the year and gives Texas the ability to enter into reciprocity agreements with other states, providing students the opportunity to access an even broader range of courses.

"HB 1926 encourages the expansion of online courses so that all students in Texas have a wider range of course options, reduced costs, and are better able to obtain an education that best suits them, regardless of the school district they attend," said Texas State Senator Glenn Hegar.

Despite offering online learning since 2003 and the Texas Virtual School Network (TxVSN) since 2007, due to issues around funding and legislative priorities, Texas had been slow to embrace course choice and enhanced online options for students. In the 2013 legislative session, education reforms - including improving digital learning options - were a priority.

It was a hard legislative fight with tremendous pushback that required compromises for legislators to get their

bill across the finish line. The result was a weakened final bill that limits the number of courses a student can take each year, caps the price of courses at \$400 per course, allows districts the ability to deny students the opportunity to enroll if the course is "substantially similar," and prohibits authorizing new full-time virtual schools. The final prohibition could be waived by the state's education commissioner, and three virtual schools have been authorized under that power. Passage of HB 1926 required the strong leadership of Texas State Representative Ken King, Senator Hegar, and a host of education allies. The potential of this bill will only be realized with successful implementation by Texas Education Agency in 2014.

"The passage of House Bill 1926 is an important step in promoting equal educational opportunities for all Texas school children through the Texas Virtual School Network (TxVSN)," said Representative King. "Although the bill passed with some restrictions that were not originally stipulated in the bill, it is an excellent platform to expand the TxVSN."

In Michigan, **HB 4228** allows nearly 1 million students in grades 5-12 to take up to two courses per academic term. While this policy change opened the door to course choice, advocates in Michigan are taking a pragmatic approach to the implementation and communications strategy of this policy change.

"We can't just turn the policy faucet and expect students to take online courses," said Jamey Fitzpatrick, President of the Michigan Virtual University, which is overseeing the program. "We need to help parents and students with this new process, dispel myths, and give them real information."

Rolling out in March of 2014, public service announcements will be featured on television, on radio, and at cinemas, communicating directly with parents and students about their rights under the new law.

"HB 4228 is a large policy lever," said Fitzpatrick. "But it only works if parents and students are informed. If the information about the new policy is stuck on page 20 in 3-point font of the student handbook for their district, that's not going to help at all. We want to make these new options easy and obvious for all parents and districts."



**A NEW CULTURE OF
LEARNING: ASPEN TASK
FORCE**

November 15, 2013

[Watch Video](#)

<http://bit.ly/1hENb5j>

In Wisconsin, a section in the annual budget, **AB 40**, provides the framework for expanding course choice by giving students the right to enroll in two courses at any time.

"Long a school choice innovator, Wisconsin's new Course Options program has the potential to offer tremendous new opportunities to students across the state," said Michael Brickman, former policy adviser for Governor Scott Walker and national policy director with the Thomas B. Fordham Institute. "Rather than forcing parents to choose between schools, Course Options will allow them to select from a menu of courses ranging from foreign languages to advanced placement to real university and tech college courses, all offered by a variety of trusted providers."

Recognizing the opportunity for states to learn from each other's experiences, members of the **American Legislative Exchange Council** recently drafted a model bill, the **Course Choice Program Act**, to assist legislators as they wrestle with course choice policy details. The model policy takes best practices from states such as Louisiana, Utah, and Texas, adding in innovative programs such as pay-for-performance funding and quality requirements based on student outcomes. Strong parental notification requirements are a core feature of this model bill to ensure students and parents are in the driver's seat. Finally, the model legislation ensures that legislators are provided with a robust annual report, informing them of course choice utilization, success, and potential areas for improvement.

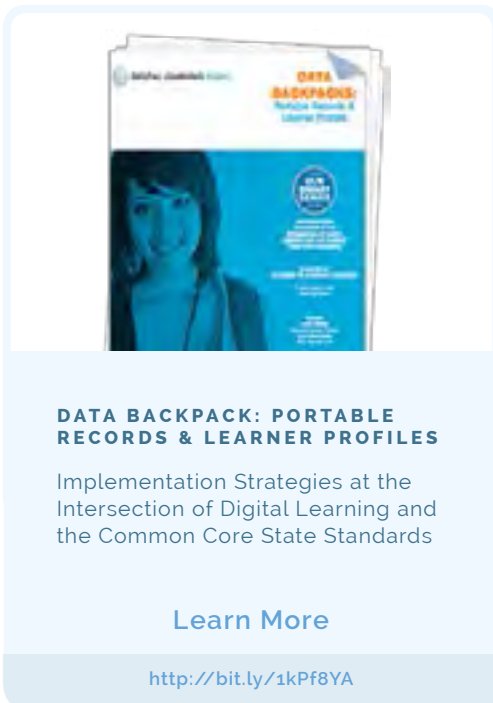
Data Backpacks

Flexible course options for students will only help deliver effective learning that can be easily understood and accessed by parents if a student's educational record is equally flexible. Under the current education system in most states, when a student walks into the classroom only the most basic information follows. Due to the transient nature of students in America and the static nature of our records, administrators and teachers have little visibility into the past performance of the student.



And when it comes to the rights of parents to see the profile and learning history of their children, even that little data can be inaccessible.

In 2012, Digital Learning Now and Getting Smart proposed the idea that states should shift from static records to portable ones, creating a **data backpack** to help administrators, teachers, and parents track student learning levels, preferences, motivations, and personal accomplishments.



In March 2013, that vision of using portable and actionable data to empower teachers, parents, and students became clearer. Utah led the way in creating the nation's first Student Achievement Backpacks with the passage of **SB 82**. The bill consolidates data currently collected on the student into the Utah Student Record Store and allows data to follow the student securely from school to school—and from individual course provider to course provider—throughout the learning cycle of the student.

"This is data Local Education Agencies currently have," said Utah State Senator Howard Stephenson, one of the key champions of SB 82, noting that administrators maintain the data, but parents didn't have access to their child's record. "The information was only kept private from parents. We want to give parents as much access as school administrators and allow them to see and validate the data on their own children."


A key advocate for the bill's passage was **Parents for Choice in Education (PCE)**. While in communication with parents and coordinating with legislators "we found that parents went back to their old report cards for their students," said Judi Clark, Executive Director of PCE. "We wanted to get past these silos controlled by six people and transition to a system where each parent and teacher had the power to be involved."

The bill rolls out the Student Achievement Backpack over three years, expanding and streamlining access in 2014 and 2015, before finally expanding access to parents and guardians in 2017.

As states wrestled with student privacy legislation, Utah led the way in advancing the concept that parents should have access to their child's academic records in the same way patients have the right to access their electronic medical records.

Competency-Based Learning

Connected learning in the 21st century must be measured on mastery and knowledge rather than traditional notions of seat-time and semesters. The student is the center of the learning process, and when they master the material, they should be able to move to the next level. If students need more time, they should not be pushed along to a new lesson before they fully understand each topic. Mastery of subject area is based on whether students have gained skills, knowledge, and abilities—not based on how much time has passed.



THE SHIFT FROM COHORTS TO COMPETENCY

Specific guidance regarding the shift to personal digital learning.

[Learn More](#)

<http://bit.ly/1bJQhH4>

States continue to address the regulatory barriers preventing adoption of student-centric learning. New Hampshire led by crafting a groundbreaking competency-based learning system by passing **SB 48** which directed the department to develop a new accountability model which will emphasize content mastery rather than seat time.

The legislation states, "students best learn at their own pace as they master content and skills, [and] allowing them to advance when they demonstrate the desired level of mastery rather than progressing based on a predetermined amount of seat time in a classroom will assure that students will reach college and career readiness."

Iowa made meaningful progress towards taking competency-based learning to the classroom with the passage of **HF 215**. The bill set up a task force to study competency-based instruction models and develop a draft strategic plan and proposed timeline for statewide implementation of competency-based learning for

consideration by the legislature. The **final release** of this task force detailed 13 recommendations built off its **five principles** for competency-based education:

- Students advance based on proficiency
- Competencies include explicit, measurable, and transferable learning objectives that empower students
- Assessment is meaningful and a positive learning experience for students
- Students receive rapid, differentiated support based on their individual learning needs
- Learning outcomes emphasize competencies that include application and creation of knowledge along with development of important skills and dispositions

The task force's recommendations focused on the need for writing model competencies and monitoring and reporting student learning in a competency-based system.

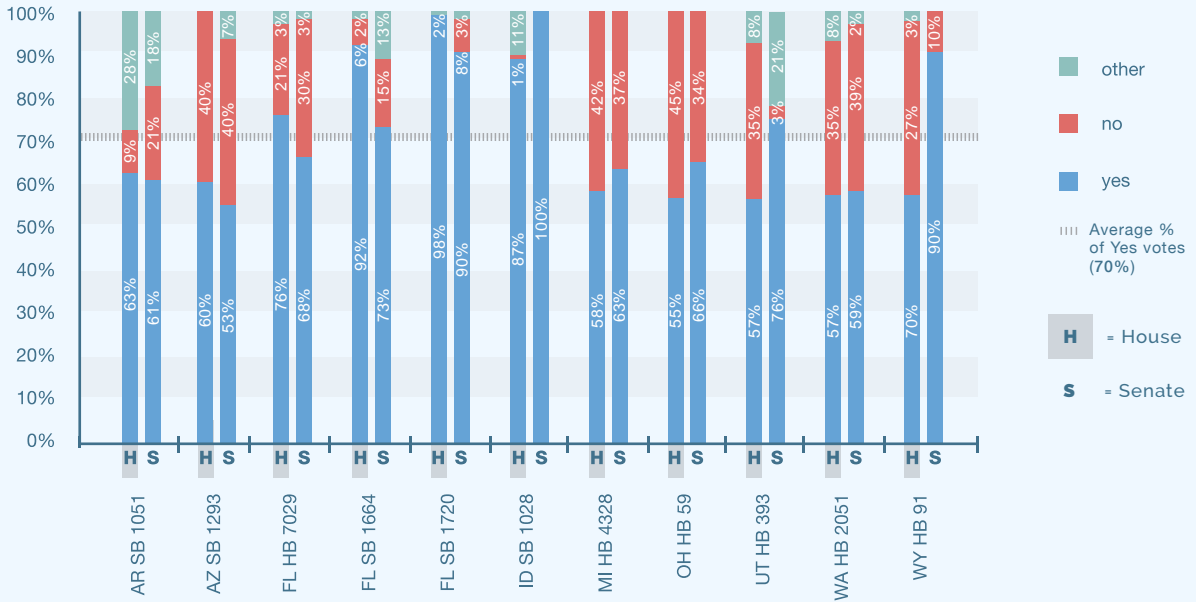
As part of a larger bill addressing online learning options, Florida expanded competency-based learning in **HB 7029**. The bill requires the Florida Department of Education to identify measures of quality in student outcomes, completion and achievement rates tied to each delivery model, and measures for students to demonstrate competency, whether that be sub-assessments combined to equal a whole assessment, or the opportunity to use MOOCs or other module-driven segments.

This component pairs with the creation of a course catalog, the expansion of providers, and the inclusion of MOOCs for Algebra I, Civics, and Geometry.

"I wanted to make it easier for high quality providers to serve students in Florida, ensuring that everyone had access to a user-friendly catalog of those courses," said Representative Manny Diaz, Jr., one of the co-sponsors of the bill. "Previously, we did not have a user-friendly

2013 COMPETENCY BASED LEGISLATION: SENATE & HOUSE VOTES

An analysis of selected 2013 competency based legislation shows strong support for this issue across the nation.



set up. We had other providers besides Florida Virtual School, but it was hard for anyone to know that was the case. We also put in place the framework for MOOCs and while it may be a little ahead of its time, we would do a disservice to our students if we didn't open up access to the great courses out there at Harvard or MIT."

Arizona's **SB 1293** initiates a pilot program to explore what funding competency and outcomes might look like, with participating schools receiving half of the per student funding at enrollment and the other half upon completion. The pilot also includes a performance-based component where districts could earn more based upon student success.

Texas also advanced competency-based learning with the passage of **SB 1365**, allowing students in grades 6-12 to earn credit for courses after successfully passing exams selected by the school district board of trustees.

In Oklahoma, **SB 559** establishes alternative methods for high school students to demonstrate mastery of the state academic content standards. This is a meaningful step in allowing students to advance based on mastery rather than just the end of a course. Focusing on student learning and having the classroom experience centered

and built around those needs are critical to advancing high quality digital learning.

Pushbacks

While progress was made in bringing high quality digital learning to students, there were some setbacks. In Illinois, **HB 494** places a one year moratorium on the establishment of charter schools with virtual-schooling components in all school districts except for Chicago. This moratorium went into effect in April 2013 and extends to April 1, 2014.

Despite the research around virtual and digital learning and the numerous states utilizing these tools to individualize learning and empower students, proponents of the **HB 494** argued that more research is needed before the state could allow new charter schools to leverage virtual learning. The bill called for a commission to conduct "a report on the effect of virtual-schooling, including without limitation the effect on student performance, the costs associated with virtual-schooling, and issues with oversight. The report will include policy recommendations for virtual schooling."



ONLINE LEARNING: MYTHS, REALITY AND PROMISE

Confronts misconceptions about what online learning means for students, teachers, and the system as a whole.

[Learn More](#)

<http://bit.ly/1egVDsL>

In February, the state charter school commission recommended that legislators extend the ban on new virtual schools up till Dec. 31st, 2016 or until new policies were developed and existing laws amended.

2013 also saw a pushback against the use of student data in states across America at an unprecedented level. Some groups expressed concern over possible commercialization of student data, the security with respect to the sensitive data kept by teachers, and what data local school districts shared with vendors and state departments of education and the federal government. These concerns cannot be dismissed lightly. The connected learning experience can only take place with trust and security as central components.

The expanding array of education opportunities enabled by digital technology and broadband networks necessitates a renewed commitment to establishing trust with teachers, parents, and students to ensure that sensitive information is securely protected. Teachers and students have access to new tools and resources ranging from online gradebooks to online courses,

personalized blended learning platforms to math apps for tablets. These new resources support teaching and learning but also raise important questions around how sensitive data is protected, used, and under what conditions it is shared.

While there is a patchwork of state and federal privacy laws related to children, including **COPPA**, **CIPA**, and **FERPA**, states must bridge the gap to clearly define the rights of students, districts, and education providers.

Georgia Governor Nathan Deal responded to statewide concerns over data privacy by issuing an executive order prohibiting the federal government from collecting a broad range of personally identifiable data on students and their families.

"The executive order aims to send a clear and unambiguous message that Georgia will maintain local control over curriculum while working diligently to achieve high educational standards and protect student privacy."

Nathan Deal

Governor of Georgia



FUNDING THE SHIFT TO DIGITAL LEARNING

October 7, 2013

[Watch Video](#)

<http://bit.ly/1hPXKqK>



COMMON CORE STATE STANDARDS AND DIGITAL LEARNING

December 18, 2013

[Watch Video](#)

<http://bit.ly/NvgeyM>

In May, Oklahoma passed **HB 1989**, clearly defining protocols around the use, transfer, and protection of student data. In September, the legislation was expanded and turned into a piece of model legislation by the American Legislative Exchange Council. The resulting legislation, **The Student Data Accessibility, Transparency and Accountability Act**, provides solid principles to help guide states in developing a 21st-century trust framework that embraces stronger privacy and security audits while also establishing the right for parents to have access to their child's records.

Importantly, the model legislation establishes a Chief Privacy Officer position at the state department of education, which has the responsibility to ensure compliance with all state and federal privacy laws, conduct outreach to schools, and respond to parent concerns, including launching investigations. Chief Privacy Officers have become critical senior staff positions in corporate America, law enforcement, and government—it is time for education to adopt this role too. Another critical component of the model bill is an expansion of the rights of parents to view—and correct if needed—their child's educational record.

The effective and careful use of data has transformed our society. It has made society more productive and

efficient in all stages of life. The thoughtful use of data in school can increase the effectiveness of teachers and ensure each student is receiving the personalized instruction they deserve. But these new opportunities must be coupled with new safeguards.

Parents should clearly understand the rights of their students and the steps that their state is taking to protect them. Policies taken by security-minded states like Oklahoma paved the way for the development of this stringent model legislation. Legislators and parents should be spurred on and examine their own state's safeguards for data.

Innovation

The year closed on a high note as Ohio announced in December the first round of grants from its \$250 million Straight-A-Fund. Many of the winning grants propose new and exciting ways to leverage digital learning.

The Straight-A-Fund sprung from the two year state budget, **HB 59**, and allows Ohio's public, chartered non-public, and community schools, as well as colleges and universities to enter a competitive grant process together or separately. The fund is geared towards grants that would meet the learning needs of students, reduce the cost of running a school or school district, and drive more dollars to the classroom.



SMART SERIES GUIDE TO EDTECH PROCUREMENT

Creates a framework for EdTech purchasing by offering practical advice to guide key decisions.

[Learn More](#)

<http://bit.ly/1fRA1g>



Over 1000 letters of interest and 570 completed proposals were submitted by the deadline, seeking over \$867 million in funding. When the final grants were approved, a number of applications sought new ways to leverage connected blended learning networks, blended learning professional development, and a wide range of innovative proposals. Whether this model of funding innovation will be sustainable and yield actual results is yet to be seen, but the creativity and possibility for change is promising.

As part of [HB 4228](#), which expanded course choice in Michigan, the state renewed its commitment (\$9.4 million in funding) to the Michigan Virtual Learning Research Institute, established by Governor Rick Snyder in 2012. The Institute is focused on researching the effectiveness of online learning. Currently examining three years of data and more than 184,000 enrollments delivered virtually—whether Michigan Virtual School, cyber, or blended courses—the Institute is committed to providing **tangible evidence** and support of the benefits of digital learning in Michigan.

"We need to teach people how to fish," said Jamey Fitzpatrick. "We want to push the K-12 system into

the 21st century. We passed the first online learning requirement in 2006. No one should be surprised where Michigan is at in 2014."

Finally, in Georgia, Governor Deal's Digital Learning Task Force delivered its findings. The task force, established in 2012, offered offering concrete recommendations and found that, "digital learning has the potential to leverage technology to transform our educational system by providing students, parents, and educators more flexibility over the time, place, path, and pace of learning." Recommendations encouraged the state to advance more robust broadband connections for its schools, remove barriers to online learning and adopt competency-based and blended models of learning.

"Georgia students need 21st-century skills to succeed in our economy, and digital learning can help provide those skills," said Governor Deal. "The Digital Learning Task Force recommendations provide a strong framework for digital learning that address both the infrastructure and implementation, with the ultimate goal of increasing student achievement and broadening choices for Georgia students and parents."



Student Eligibility

All students are digital learners.

1

All students have a right to a high-quality education. In the 21st century, a high-quality education must include digital learning.

Students who are eligible for public school should be eligible for publicly funded digital learning. Establishing criteria for eligibility, such as previous attendance in a public school, only limits, delays, and diminishes opportunities for learning.

Requiring students to take a high-quality college prep online course ensures students are better prepared to succeed in life after graduation in the digital age. A robust offering of digital content and online courses expands options and ensures students acquire knowledge and gain skills from the experience of digital learning.

Only 3 states (Alabama, Florida, and Michigan) currently have a graduation requirement of taking an online course. Virginia is the 4th state, with the requirement beginning with students entering 9th grade in the fall of 2013 and North Carolina will require it for the graduating class of 2020.

Metrics

1. All students must be provided opportunities to access online courses throughout their entire K-12 experience.
2. All students must complete at least one online course to earn a high school diploma.
3. Student eligibility in digital-learning environments is not based on prior-year enrollment in the public school system.



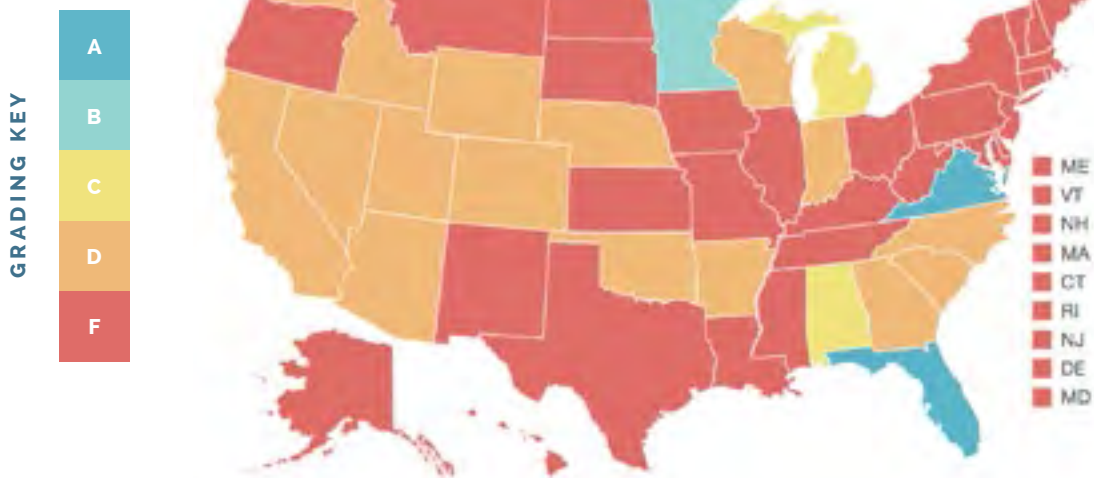


Student Eligibility (Cont.)

All students are digital learners.

1

STUDENT ELIGIBILITY IN THE UNITED STATES





Student Access

All students have access to high-quality digital content and online courses.



Digital learning opens the virtual door to a high-quality education. Where technology has created unprecedented access to a high-quality education, policies that arbitrarily limit or control access threaten to erect barriers where the walls have already come down. Moreover, restricting access based on geography, such as where a student lives, is counterproductive in the digital world where learning can occur anywhere and everywhere.

Capacity and quality – not arbitrary caps on enrollment or budget – should be the only factors in limiting access to digital learning. With digital learning, teachers can provide one-on-one instruction and mentoring to many students across the nation. Artificially limiting class size, prescribing teacher-student ratios, or restricting a teacher's ability to serve students at multiple schools ignores the freedom and flexibility that comes with digital learning.

Best of all, students can experience blended learning. Students can learn in an online or computer-based environment part of the day and in a traditional classroom, even one-on-one tutoring, for part of the day – essentially the best of both worlds combined into one education. Blended learning offers a powerful new way to combine the best of face-to-face instruction with the advantages of online courses and adaptive learning platforms.

The vast majority of states have flexibility for blended-learning class sizes. Of those who have flexibility with class sizes, half still have restrictive overall student-teacher ratios that still must be followed. Only 22 states allow for students throughout the state to enroll in online learning courses without enrollment caps or restricted by geographic boundaries.

Metrics

4. Digital learning environments, including online and blended-learning schools, courses, and models, have flexibility with class-size restrictions and student-teacher ratios.
5. No school district may restrict student enrollment in a full-time online school or in a part-time individual online course through enrollment caps or geographic boundaries.
6. All students may enroll in an unlimited number of part-time individual online courses.
7. No school district may restrict a student's ability to enroll in an online course based on course offerings (substantially similar courses).



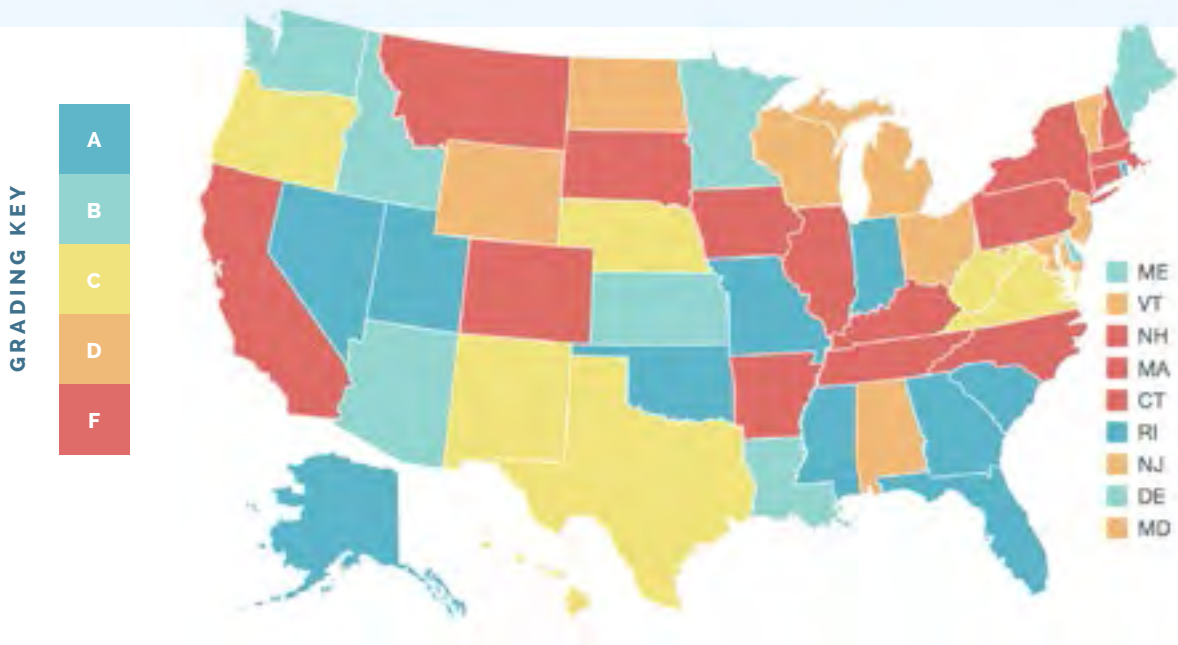


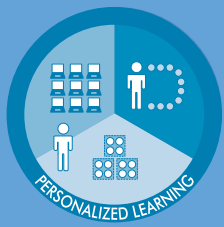
Student Access (Cont.)

All students have access to high-quality digital content and online courses.

2

STUDENT ACCESS IN THE UNITED STATES





Personalized Learning

All students can customize their education using digital content through an approved provider.

3

Digital learning allows for a customized educational experience. In today's world, learning doesn't have to start when a student enters the classroom and end when the school bell rings. Students can access digital learning virtually whenever and wherever they are – both physically and figuratively.

Access to a comprehensive catalog of online courses means a student in rural Indiana or inner-city Detroit can learn Mandarin Chinese, forensic science, or college-level calculus – regardless of whether their school offers these courses in a classroom.

With personalized learning, students can spend as little or as much time as they need to master the material. Self-paced programs mean high-achieving students won't get bored and can accelerate academically, while students who struggle can get additional time and tutoring to gain competency and the confidence that comes with it.

Digital learning can extend the school day or school year and connect students with community resources with

little or no additional cost. Flexible scheduling allows students to take full advantage of their peak learning times to complete lessons.

Twenty-two states allow all students to enroll with more than one online course provider simultaneously. Only two states require that students enroll in courses only at the beginning of the year.

Metrics

8. All students may enroll with more than one online course provider simultaneously.
9. All students may enroll in and begin a part-time individual online course on a rolling or frequently scheduled basis throughout the year.





Advancement

Students progress based on demonstrated competency.

4

Grade-level promotion has historically been dictated by birthdays, attendance, and minimum achievement. Instructional pacing, aimed at the middle of the class, may be too fast or too slow for some students who become frustrated, disengaged, and unmotivated.

Digital learning offers the potential for students to study at their own paces and advance based upon competency and mastery of the material—it is student-centered, not school-centered. In this environment, seat time requirements and the all-too-common practice of social promotion become obsolete. A student will spend as much time as necessary to gain competency. Additionally, digital learning adapts to situations where a student is ahead in one subject and behind in another.

Making high-stakes assessments, which are used to trigger progression, available when students are ready will accelerate student learning.

Only 18 states allow students to take end-of-course exams multiple times per year, beyond just one time per semester. Eighteen states currently restrict end-of-course exams to only one time per year. Thirteen states still keep districts as the gatekeeper for all online course credits, allowing them to reject credit earned in other districts or through online course providers.

Only 10 states require that credits must be awarded based on students' mastery of content and skills, rather than on seat-time. Twenty seven states allow all district and state-approved providers to accept credits from all

other districts and state-approved providers. Ten states still do not have any statewide end-of-course exams and six states only offer their end-of-course exams once per year.

Metrics

10. All students must demonstrate proficiency on standards-based competencies to advance/earn credit for a grade/course and to advance to the succeeding grade/course.
11. All students advance/earn credit based on competency and are not required to complete a defined amount of instructional/seat time.
12. All students are provided multiple opportunities during the year to take end-of-course exams.
13. All districts and state-approved providers in the state accept credits from all other districts and state-approved providers.



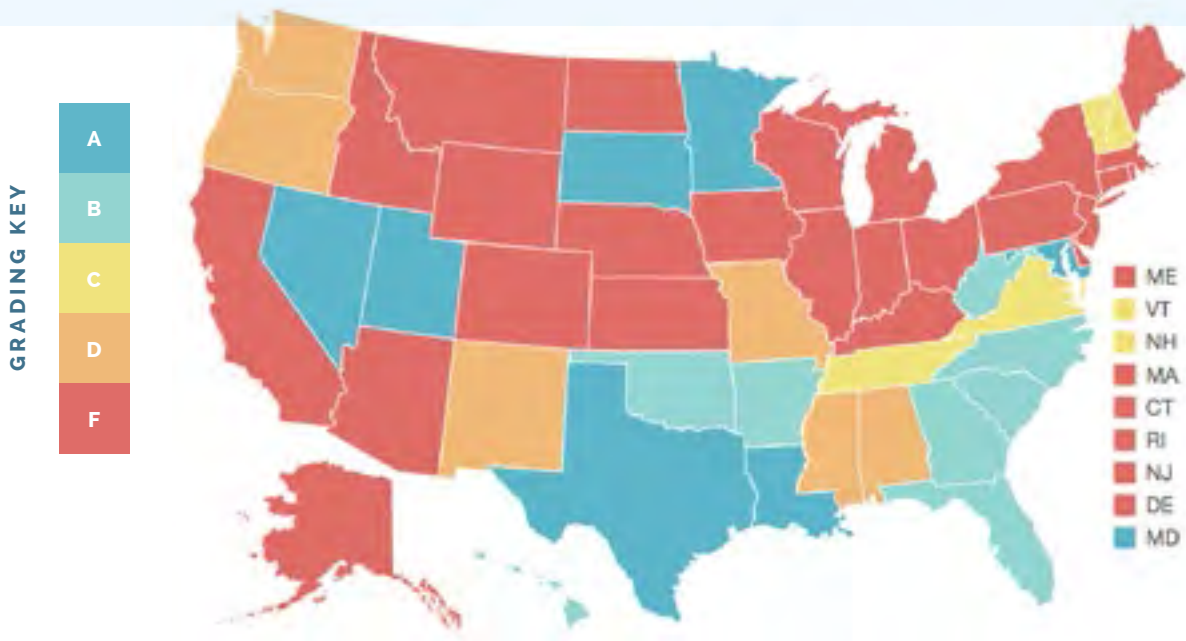


Advancement (Cont.)

Students progress based on demonstrated competency.

4

ADVANCEMENT IN THE UNITED STATES





Quality Content

Digital content, instructional materials, and online and blended learning courses are high quality.

5

The dynamic nature of digital content and its varied uses requires a fresh and innovative approach to ensuring high-quality content. Like print content, digital content should be aligned to state academic standards or Common Core State Standards for what students are expected to learn. However digital content should not be held to a higher standard than print content. Freedom for interactive engagement that results in higher student retention and achievement should be encouraged.

States should abandon the lengthy textbook adoption process and embrace the flexibility offered by digital content. Tablets, eBook readers, and apps are offering new ways to distribute enhanced content. Digital content can be updated in real time without a costly reprint. The ongoing shift from online textbooks to engaging and personalized content, including learning games, simulations, and virtual environments, makes the traditional review process even less relevant.

Transitioning to digital content will improve the quality of content, while likely saving money in production that can be dedicated to providing the infrastructure for digital learning.

Only five states place additional burdens on the approval process and procurement processes for digital content, beyond those for print content. All but four states allow

material funding be used for purchasing digital content, instructional materials, devices, and systems.

Metrics

14. All digital content and instruction must be aligned with state standards or Common Core State Standards.
15. No additional burdens are placed on the approval and procurement processes for digital content beyond those for print content.
16. Instructional material funding may be used for purchasing digital content, instructional materials, devices, and systems.



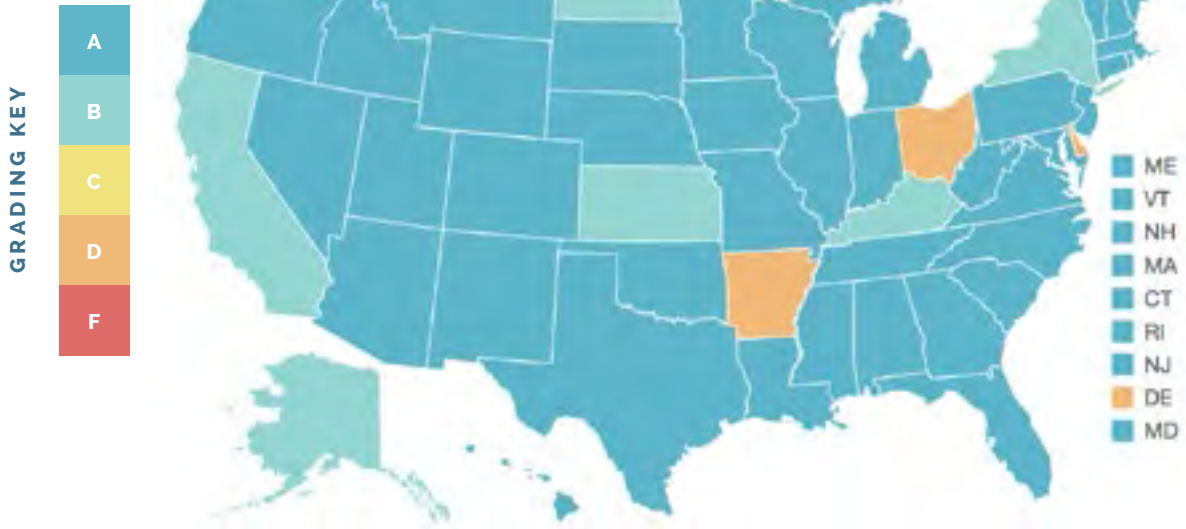


Quality Content (Cont.)

Digital content, instructional materials, and online blended learning courses are high quality.

5

QUALITY CONTENT IN THE UNITED STATES





Quality Instruction

Digital instruction is high quality.

6

Great teachers cultivate great students – wherever they live or learn. Digital learning erases physical barriers that have prevented the widespread connection between effective teachers and eager students. Statutory and administrative practices that stop instruction – at the classroom door, school campus, state border, or even the nation's border – limit access to quality educators.

A retired NASA scientist in Cape Canaveral who is qualified to teach physics in the Sunshine State should be able to teach students in any state in the country. A digital educator in one school should be able to teach students in multiple schools in-state or out-of-state.

Preparation and professional development programs should educate teachers and administrators on how to engage students, personalize learning, teach online, and manage learning environments using today's new technology tools and services. Educators should be prepared for specific roles – traditional, blended, or online – and then certified based on demonstrated performance. Performance-based certification will become increasingly important as the number and type of roles for learning professionals expands.

Breaking down the barriers to digital instruction can improve the quality of education, while at the same time reducing costs. Teachers can serve students across the state or nation from one location. Digital learning lends itself to innovative staffing plans and formation of an opportunity culture that is appealing enough to attract and retain top teaching talent, and to maximize impact and minimize cost.

Forty four states accept performance-based alternatives routes for teacher certification. Only 10 states allow nationwide teacher reciprocity, but 26 additional states allow reciprocity for 40-48 other states. Twenty seven states use student-performance data to evaluate the effectiveness of teachers.

Metrics

17. State accepts alternative routes for teacher certification.
18. State allows reciprocity among other states for certification of teachers.
19. There is a formal statewide definition for "teacher of record."
20. Teachers are permitted to be "teacher of record" in multiple schools.
21. Student-performance data is used to evaluate the effectiveness of teachers.
22. Professional development in digital learning is available to teachers teaching an online or blended learning course.



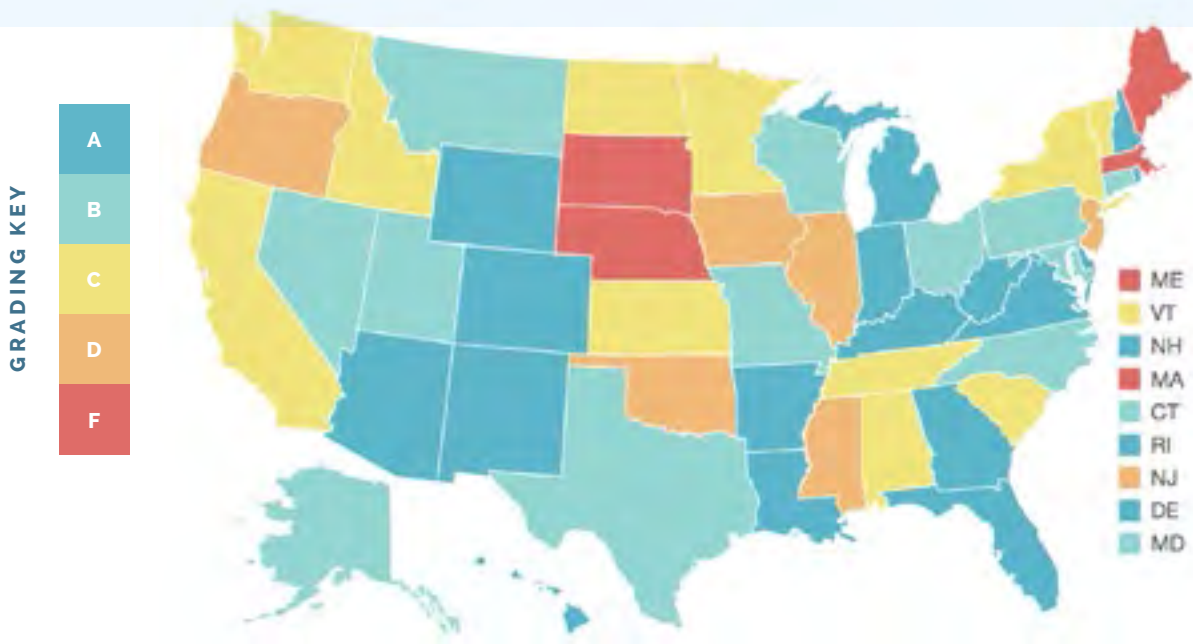


Quality Instruction (Cont.)

Digital instruction is high quality.

6

QUALITY INSTRUCTION IN THE UNITED STATES





Quality Choices

All students have access to multiple high-quality providers.

7

In the digital age, innovative learning programs are rapidly evolving and providers can be located anywhere. Regulations should reflect this new paradigm.

To maximize the potential of digital learning, states must provide a rich offering of providers that can cater to the diverse and distinctly unique needs of different students. States should set common-sense standards for entry, have a strong system of oversight and quality control, and foster a robust competitive environment where students can choose the provider who best meets their learning needs. Unnecessary administrative requirements, such as having a brick-and-mortar office in the district or state, create obstacles that prevent high-quality providers from participating.

Public, not-for-profit, and private for-profit organizations provide different benefits to the education consumers – both the students and the taxpayers. Public providers were pioneers in digital learning and provide a record of proven success in providing supplemental education in partnership with school districts. Not-for-profits extend access and often make contributions to open education resources. Private providers have the capital to invest in development of high-quality content, can administer comprehensive school management services, and offer collaborative opportunities with their national network of students.

Consumers of education—students and parents—often provide the best feedback on the quality of providers. A publicly available database that fosters a feedback loop, similar to tools used by Amazon or eBay, would help parents and students make informed decisions about digital learning.

Thirty five states maintain a public website that provides information and links to all digital learning opportunities, although it is important to note that these website range enormously in terms of quality. Some are simply static PDFs while others are dynamic, interactive services. Half of states allow eligible statewide providers to appeal decisions or revise and resubmit their applications after a denial. Twenty four states have a clearly defined criteria, process, and timeframe for authorizing eligible online providers.

Metrics

23. **Statewide digital-provider authorization includes:**
 - a. full-time online schools
 - b. part-time individual online course providers
 - c. virtual charter schools
24. **Based on eligible statewide full-time and part-time online providers (see Question 23), the criteria, process, and timeframe for authorizing online providers are clearly defined.**
25. **Based on eligible statewide online providers (see Question 23), digital providers, are allowed to appeal decisions or revise and resubmit their**





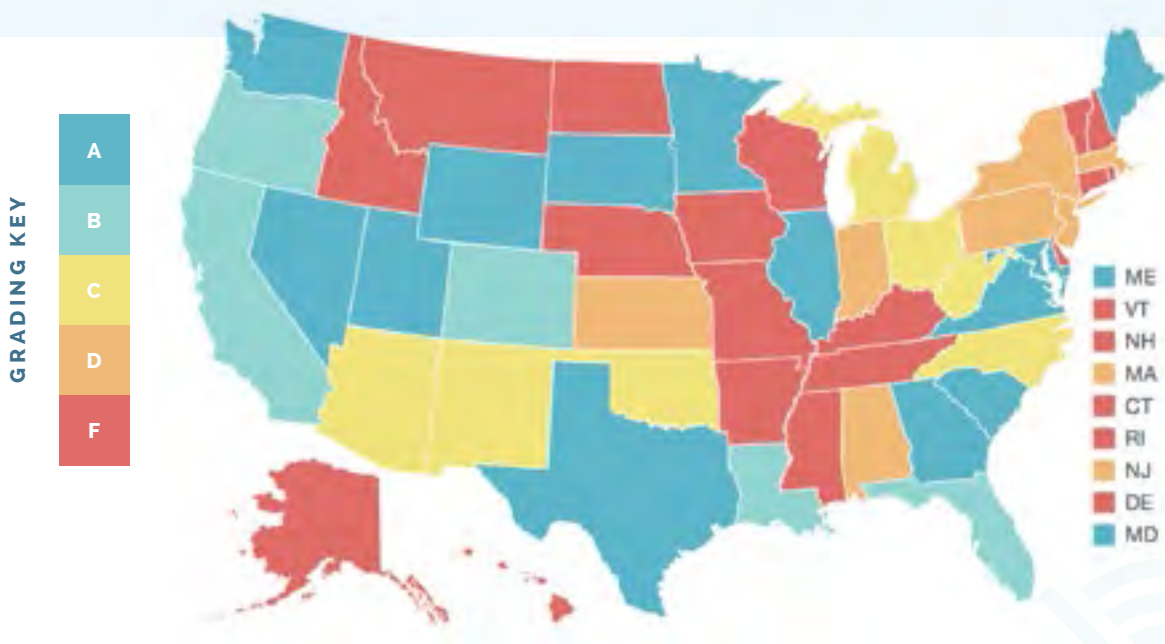
Quality Choices (Cont.)

All students have access to multiple high-quality providers.

7

- applications after a denial.
26. Based on eligible statewide online providers (see Question 23), multiple opportunities during the year are available for full-time online providers, part-time individual online course providers, and virtual charter schools to apply for approval.
 27. Based on eligible statewide online providers (see Question 23), approval of full-time online schools, part-time individual online course providers, and virtual charter schools lasts for three or more years.
 28. State maintains a public website that provides information and links to all digital learning opportunities, including all approved full-time online schools, part-time individual online course providers, and virtual charter schools.

QUALITY CHOICES IN THE UNITED STATES





Assessment and Accountability

Student learning is the metric for evaluating the quality of content and instruction.

8

Administering assessments digitally has multiple benefits. Tests can be administered and scored quickly and efficiently. Computerized scoring provides the opportunity for a cost-effective method to create better tests beyond multiple choice, including simulations and constructed responses. Getting the result of tests faster can improve instruction as well as expedite rewards and consequences, which in turn strengthens accountability for learning. Adaptive assessments can more precisely diagnose student weaknesses and capture richer growth measures.

Learning management systems, digital curricula, and online summative and formative assessments have the distinctive capability of collecting real-time data on the progress of each student against learning objectives. Instant feedback for students and personalized analytics for teachers provide the support for continuous improvement and competency-based progress.

History has proven that inputs, such as teacher certification, programmatic budgets, and textbook reviews, do not guarantee a quality education. In fact, these regulatory processes often stifle innovation and diminish quality. Policymakers should resist attempts to create a checklist of inputs and, instead, focus on

developing an accountability framework that is based on outcomes. States should hold schools and online providers accountable using student learning to evaluate the quality of content or instruction. Providers and programs that are performing poorly should have their approvals revoked.

While conversion to digital assessments requires an initial investment, transitioning to a digital system can save money in the long run and also provide richer, more authentic assessments.

All states have in place a plan to require online assessments in core subjects in the upcoming years. The **Partnership for Assessment of Readiness for College and Careers (PARCC)** and the **Smarter Balanced Assessment Consortium** are developing a valid, reliable, and fair system of next-generation assessments that assess students' knowledge of mathematics and English language arts/literacy from third grade through high school. They will be aligned to the **Common Core State Standards**, developed by governors and chief state school officers and adopted by more than 40 states. Thirteen states close poor performing schools or courses based on outcomes-based performance data.





Assessment and Accountability (Cont.)

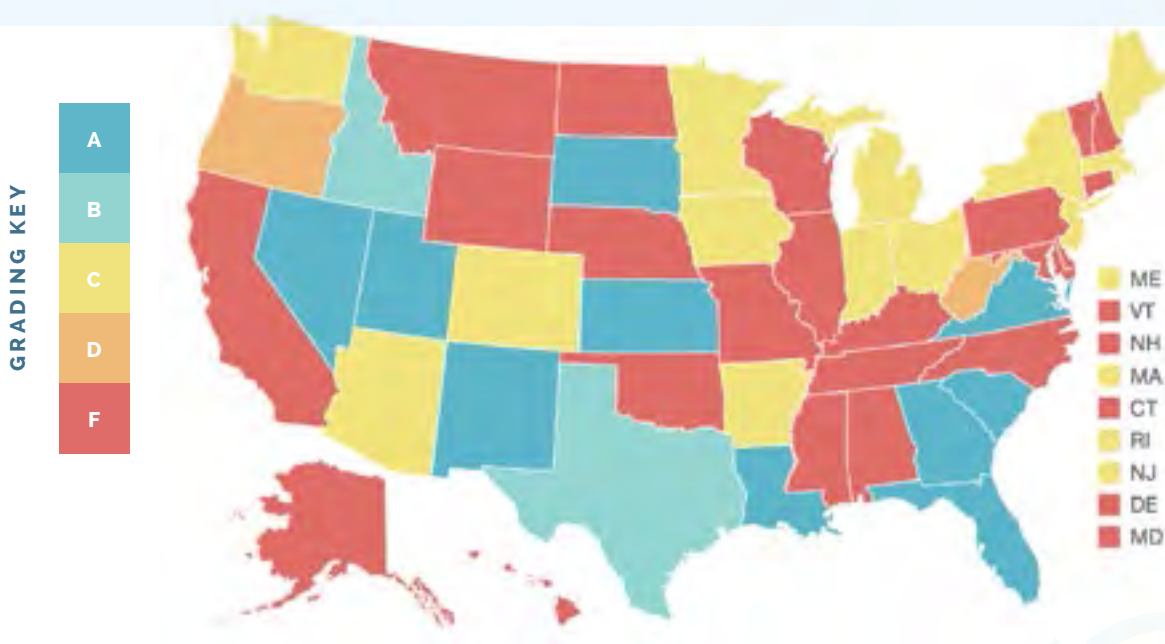
Student learning is the metric for evaluating the quality of content and instruction.

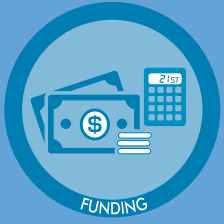
8

Metrics

29. State-mandated assessments in core subjects, including annual assessments, end-of-course exams, and high school exit exams, must be administered digitally.
30. Based on eligible statewide digital providers (see Question 23), outcomes-based student-performance data is used to evaluate the quality of full-time online providers, part-time individual online courses, and virtual charter schools.
31. Based on eligible statewide digital providers (see Question 23), poor performing providers are not renewed or lose their ability to serve students statewide as determined by outcomes-based performance data.

ASSESSMENT AND ACCOUNTABILITY IN THE UNITED STATES





Funding

Funding creates incentives for performance, options, and innovation.

9

How money is spent is as important as how much money is spent on education. Funding should fuel achievement and innovation, not reward complacency and bureaucracy.

Paying for success will yield success. Right now, the majority of education funding rewards attendance. Schools get paid when students show up, regardless of what or how much students learn or achieve. Under that framework, it's no wonder achievement is stagnant.

Moreover, digital learning can actually save money in the long run. Full-time virtual schools can save money on facilities or transportation compared to traditional schools. Supplemental programs offering individual course enrollments can offer even bigger savings to states and districts. As digital learning grows, economies of scale will drive costs down. Partners within states or across state lines can further increase the purchasing power.

Given fiscal challenges faced by governments across the country, states need to be innovative to meet the challenge of providing access to digital content. To build a quality digital learning environment, states will have to spend smarter – not necessarily more. Geographically unbounded digital learning provides incentive for states to develop an equalized and weighted funding formula that better matches resources with individual student needs, regardless of ZIP code.

Twenty states ensure that funding follows the student to the school or course of their choice. In the majority

of states, public funds are not available to private school and homeschool students. Only five have final funding delivered to providers based on performance or demonstrated competency of the student.

Metrics

32. Public funds are available for online learning to:
 - a. all district public school students.
 - b. all charter public school students.
 - c. all private school students.
 - d. all home education students
33. State funding for digital learning is provided through the public per-pupil school funding formula.
34. Funding is provided on a fractional, per
35. course basis to pay providers for part-time individual online courses.
36. Funding follows the student to the school or course of their choice.





Delivery

Infrastructure supports digital learning.

10

The proliferation of mobile phones and Internet-access devices underlines the potential of mobile learning. Students are already using mobile devices to communicate, access, and share information, conduct research, and analyze data. These devices are the gateway to digital learning.

Digital learning also supports educators in better identifying and meeting student needs by providing them real-time data on student performance, expanded access to resources to individualize instruction, and online learning communities to gain professional development support.

States can adopt a variety of approaches to accelerate the shift to digital content, online assessment, and high-access environments including learning environments that take advantage of student-owned devices. While local choice and options should be empowered, states can use purchasing power to negotiate lower-cost licenses and contracts for everything from digital content to access devices and mobile Internet services. Equipment and services can be provided based on financial need. Public-private partnerships can also become a tool to build and sustain the infrastructure for digital learning.

Thirty seven states report that all schools have either high-speed broadband Internet access or there is a plan in place for high-speed broadband Internet access in all schools. This year, two states (Arkansas and Delaware) have achieved all of **Data Quality Campaign's 10 State Actions to Ensure an Effective Data Use**.

Metrics

39. All schools have high-speed broadband Internet access.
40. All teachers are provided with Internet-access devices.
41. All students have access to Internet-access devices.
42. All of the Data Quality Campaign's 10 State Actions to Ensure an Effective Data Use are implemented.



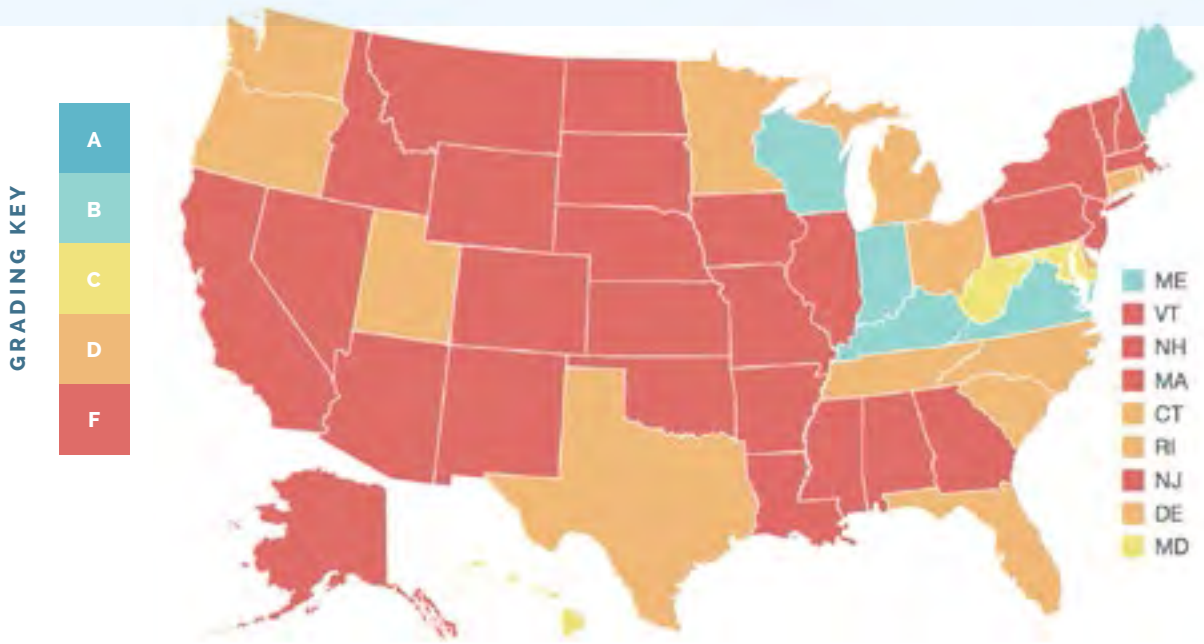


Delivery (Cont.)

Infrastructure supports digital learning.

10

DELIVERY IN THE UNITED STATES



Digital Learning Legislative Activity

The following table shows the legislative bills considered during each calendar year, the number that died, and the number that were enacted.

2013					2012					2011					TOTAL
State	Pending	Died	Enacted	Total	State	Pending	Died	Enacted	Total	State	Pending	Died	Enacted	Total	Enacted
AK	1	0	1	2	AK	0	2	1	3	AK	0	0	1	1	3
AL	1	7	1	9	AL	0	10	2	12	AL	0	7	0	7	3
AR	0	3	5	8	AR	0	0	3	3	AR	0	0	0	0	8
AZ	0	10	3	13	AZ	0	19	4	23	AZ	0	9	0	9	7
CA	6	0	4	10	CA	0	14	12	26	CA	0	7	10	17	26
CO	0	1	3	4	CO	0	1	3	4	CO	0	1	0	1	6
CT	2	3	2	7	CT	0	4	3	7	CT	0	4	0	4	5
DC	0	0	0	0	DC	0	0	1	1	DC	0	0	0	0	1
DE	0	0	1	1	DE	0	0	0	0	DE	0	0	0	0	2
FL	0	22	8	30	FL	0	30	11	41	FL	0	4	1	4	19
GA	2	0	1	3	GA	0	2	4	6	GA	0	1	4	5	9
HI	5	0	2	7	HI	0	19	1	20	HI	0	12	4	16	7
IA	2	0	2	4	IA	0	26	3	29	IA	0	15	2	17	7
ID	0	2	8	10	ID	1	5	8	14	ID	0	2	0	2	16
IL	3	1	2	6	IL	0	7	2	9	IL	0	3	6	9	10
IN	0	3	3	6	IN	0	6	1	7	IN	0	4	0	4	4
KS	4	0	3	7	KS	0	25	4	29	KS	0	0	2	2	9
KY	0	2	2	4	KY	0	5	4	9	KY	0	5	0	5	6
LA	2	5	4	11	LA	0	8	4	12	LA	0	5	0	5	8
MA	8	0	2	10	MA	16	0	5	21	MA	0	0	1	1	8
MD	0	3	5	8	MD	0	11	6	17	MD	0	5	0	5	11
ME	2	7	2	11	ME	0	0	3	3	ME	0	2	7	9	12
MI	12	0	4	16	MI	12	0	4	16	MI	3	0	4	7	12
MN	18	0	2	20	MN	0	19	3	22	MN	0	12	1	13	6
MO	0	8	1	9	MO	0	9	2	11	MO	0	4	0	4	3
MS	0	20	3	23	MS	0	13	4	17	MS	0	0	0	0	7
MT	0	14	1	15	MT	0	6	0	6	MT	0	6	0	6	1
NC	21	0	5	26	NC	0	5	4	9	NC	0	2	8	10	17
ND	0	1	2	3	ND	0	0	0	0	ND	0	0	0	0	2
NE	3	0	0	3	NE	0	2	1	3	NE	0	2	3	5	4
NH	0	0	2	2	NH	0	1	1	2	NH	0	1	3	4	6
NJ	11	0	2	13	NJ	15	0	1	16	NJ	0	0	0	0	3
NM	1	7	1	9	NM	0	5	1	6	NM	0	1	0	1	2
NV	0	0	2	2	NV	0	0	0	0	NV	0	0	0	0	2
NY	1	0	0	1	NY	16	0	5	21	NY	2	0	0	2	5
OH	3	0	1	4	OH	1	0	3	4	OH	1	0	3	4	7
OK	12	0	7	19	OK	0	9	4	13	OK	0	3	4	7	15
OR	0	11	2	13	OR	0	11	1	12	OR	0	10	0	10	3
PA	26	0	1	27	PA	4	1	3	8	PA	9	0	2	11	6
RI	1	0	0	1	RI	0	2	4	6	RI	0	2	2	4	6
SC	8	0	1	9	SC	0	5	1	6	SC	0	1	0	1	2
SD	0	2	1	3	SD	0	0	2	2	SD	0	0	0	0	3
TN	16	0	2	18	TN	0	21	2	23	TN	0	4	4	8	8
TX	10	1	6	17	TX	0	0	0	0	TX	0	0	0	0	6
UT	0	6	9	15	UT	0	9	11	20	UT	0	4	0	4	20
VA	0	14	1	15	VA	0	12	8	20	VA	0	12	0	12	9
VT	1	0	0	1	VT	0	3	0	3	VT	0	3	1	4	1
WA	0	0	6	6	WA	0	13	1	14	WA	0	2	5	7	12
WI	0	0	1	1	WI	0	2	1	3	WI	0	1	2	3	4
WV	0	6	4	10	WV	0	9	3	12	WV	0	4	0	4	7
WY	0	0	1	1	WY	0	0	2	2	WY	0	0	0	0	3
TOTAL	182	159	132	473	TOTAL	65	351	157	573	TOTAL	15	160	80	255	369
	38%	34%	28%			11%	61%	27%			6%	63%	31%		

DIGITAL
LEARNING
NOW

2013 Legislative Highlights

Select Enacted Legislative Highlights and Alignment to the 10 Elements

STATE	BILL	1	2	3	4	5	6	7	8	9	10
Alabama	HB0166										●
Alaska	HB0065	●									●
Arizona	SB1293								●	●	
Arkansas	HB1535					●					
Arkansas	HB1785	●	●				●	●	●		●
Arkansas	SB0066		●								
Arkansas	SB0233	●	●								
California	SB0185					●					
Colorado	SB0139	●							●		
Colorado	SB0213									●	
Connecticut	HB6358				●						
Connecticut	HB6704					●			●	●	
Delaware	HB0200						●				●
Florida	HB7009	●									
Florida	HB7029	●	●					●		●	
Florida	SB1076				●					●	●
Florida	SB1388					●					
Florida	SB1500										●
Florida	SB1514	●	●					●		●	●
Florida	SB1664						●		●		
Georgia	HB0283					●					●
Idaho	HB0065					●	●	●			●
Idaho	HB0221		●					●			
Idaho	HB0275						●			●	
Idaho	SB1028				●					●	
Idaho	SB1091				●			●			
Idaho	SB1199									●	
Idaho	SB1200		●				●				●
Illinois	HB0208									●	
Illinois	HB0494							●			
Indiana	HB1427		●			●			●		
Iowa	HB0215	●			●	●		●			
Iowa	HF0604	●			●		●				
Kansas	HB2201									●	●
Kansas	HB2261		●							●	
Kentucky	SB0061				●					●	
Kentucky	SB0075				●					●	
Louisiana	HB0001		●		●			●		●	
Louisiana	SR0167					●				●	

Select Enacted Legislative Highlights and Alignment to the 10 Elements

STATE	BILL	1	2	3	4	5	6	7	8	9	10
Maine	LD1509					●	●				
Maryland	HB0100		●							●	
Maryland	HB0813	●	●								
Maryland	SB0283							●	●		
Maryland	SB0461	●						●			
Massachusetts	HB3539		●								
Michigan	HB4228	●	●							●	●
Michigan	HB4328		●				●	●			●
Minnesota	HF0630			●			●		●		
Mississippi	HB0369		●					●			
Missouri	HB0002	●						●			
Montana	HB0210									●	
Nevada	SB0058		●				●	●		●	
New Hampshire	HB0002							●		●	
New Hampshire	SB0048				●		●	●	●		
New Jersey	SB2057										●
New Jersey	SB3000		●						●	●	
New Mexico	HB0002						●			●	
North Carolina	HB0023						●				
North Carolina	HB0044					●				●	
North Carolina	HB0334					●				●	
North Carolina	HB0168						●				
North Carolina	SB0402	●						●		●	
North Dakota	HB1013									●	
Ohio	HB0059		●			●					●
Oklahoma	HB1071		●						●		
Oklahoma	HB1660		●								
Oklahoma	SB0169		●					●			
Oklahoma	SB0267							●		●	
Oklahoma	SB0419		●								
Oklahoma	SB0559				●						
Oregon	HB2426						●				●
Oregon	HB3093						●			●	
South Carolina	HB3752		●								
South Dakota	HB1164		●							●	
Tennessee	SB0157		●						●		
Texas	HB1926	●		●				●		●	
Texas	HB3662		●		●						
Texas	SB1365				●				●		

Select Enacted Legislative Highlights and Alignment to the 10 Elements

STATE	BILL	1	2	3	4	5	6	7	8	9	10
Utah	HB0139	●					●				●
Utah	HB0393				●					●	
Utah	SB0043					●	●		●		
Utah	SB0082				●				●		
Utah	SB0162					●				●	
Utah	USB0175				●		●		●		
Utah	SB0260	●				●					
Utah	SB0284									●	●
Vermont	SB0130	●	●	●							
Virginia	HB1500					●		●		●	●
Washington	HB1076	●	●								
Washington	HB1472	●				●					
Washington	HB1872	●				●			●		
Washington	SB5496					●					
Washington	SB5946		●					●	●		
West Virginia	HB2014		●							●	●
West Virginia	HB3157		●				●			●	
West Virginia	SB0359						●				
Wisconsin	AB0040	●			●			●			

Selected 2013 State-Enacted Law Summaries

The following are brief summaries of digital learning legislation that passed in 2013. For more detailed summaries, visit the *"In Plain English"* section of the Digital Learning Now website. *Subscribe* to our mailing list for occasional updates.

Alabama

■ **Alabama HB 166** ([Open States](#) or [Alabama Legislature](#)) is an education appropriations bill for the fiscal year ending September 30, 2014. It allocates \$20.2 million for an At-Risk Student program, including

\$750,000 for the Alabama Student Information Management System (ASIMS). The legislation also provides funding for District Technology Coordinator positions.

Alaska

■ **Alaska HB 65** ([Open States](#) or [Alaska Legislature](#)) is the state appropriations bill for the fiscal year 2013-2014. It allocates \$1.1 million for Alaska's Learning Network.

Arizona

■ **Arizona SB 1293** ([Open States](#) or [Arizona Legislature](#)) establishes a four-year simulated outcome-based funding pilot program and allows school districts and

charter schools to submit applications to the State Board of Education to participate.



NAVIGATING THE DIGITAL SHIFT: IMPLEMENTATION STRATEGIES FOR BLENDED AND ONLINE LEARNING

This e-book includes an introduction from Governor Jeb Bush and is a collection of interactive papers providing guidance regarding the adoption of Common Core State Standards and shift to digital learning.

[Learn More](#)

<http://bit.ly/HwoSuu>

Arkansas

Arkansas HB 1535 (Open States or Arkansas Legislature) amends The Free Textbook Act of 1975 to repeal a prohibition on including the equipment needed to use technology-based materials in the definition of instructional materials, among other changes.

Arkansas HB 1785 (Open States or Arkansas Legislature) expands access to blended learning and digital learning opportunities for students by creating a pathway to a new requirement that every student be provided with one digital learning course. It eliminates seat time for digital learning courses and sets up an approval process and public list of approved digital learning providers.

Arkansas SB 66 (Open States or Arkansas Legislature) establishes the District of Innovation program to encourage new or creative alternatives to the existing instructional and administrative practices in Arkansas schools in order to improve academic performance and learning for all students.

Arkansas SB 233 (Act 1309) (Open States or Arkansas Legislature) raises the cap at any K-12 open-enrollment public charter virtual school from 500 students to 3,000 students. Students in the 2,500 additional slots must have been enrolled in an Arkansas public school for the first three quarters of the prior school year. The legislation also maintains funding for distance learning and technology grants, and appropriates \$3 million for technology development and research grants.

California

California SB 185 (Open States or California Legislature) expands access to digital instruction material for schools, allowing districts to negotiate the price of instructional material, forces publishers to offer

"unbundled content" for purchase and authorizes school districts to create a district-wide online digital database for classroom use. The bill took effect January 1, 2014.

Colorado

■ **Colorado SB 139** ([Open States](#) or [Colorado Legislature](#)) ensures that all high school students in Colorado have access to taking at least one supplemental on-line course each year by designating a single Boards of Cooperative Educational Service (BOCES) to contract and administer online courses with non-profit providers. It also requires annual parent, teacher, and student satisfaction surveys and provides guidelines for collecting and reporting data related to student participation and performance in on-line classes.

■ **Colorado SB 213** ([Open States](#) or [Colorado Legislature](#)) was a wide-reaching education reform bill that sought to restructure the state's education funding system. It would have equalized online program funding with the statewide base per pupil funding, considered on-line students when calculating charter school funding, and established the Education Innovation Grant Program to fund innovative initiatives. Though signed into law by Governor Hickenlooper, an amendment required to fund the law was rejected in a statewide vote.

Connecticut

■ **Connecticut HB 6358/Public Act No. 13-108** ([Open States](#) or [Connecticut Legislature](#)) allows students to earn academic credit towards graduation through non-traditional methods, by demonstrating mastery based on competency and performance standards adopted by the state Board of Education. It also increases education funding for education.

■ **Connecticut HB 6704** ([Open States](#) or [Connecticut Legislature](#)) establishes the state's budget for the fiscal years 2014 and 2015. It expands previously enacted K-12 education reforms as well as science and technology programs at the University of Connecticut. It also appropriates funds for longitudinal data systems and implementation of the Common Core State standards.

Delaware

■ **Delaware HB 200** ([Open States](#) or [Delaware Legislature](#)) is the state's appropriations bill. It provides funding for the Delaware Center for Education Technology and Technology Block Grants.

Florida

■ Florida HB 7009 (Open States or Florida Legislature)

increases accountability and transparency for charter schools while offering charters flexibility and allowing them to grow. It establishes the District Innovation School of Technology Program. It also stipulates that full implementation of on-line assessments of state standards is contingent upon verifying the technology capacity of all public schools and districts.

■ Florida HB 7029 (Open States or Florida

Legislature) expands the market of online courses in Florida, including Massive Open Online Courses (MOOCs) and removes limits on which students can register for online classes. The legislation requires the Florida Department of Education to create an online course catalog for digital learning courses that provides data relating to access to the course, completion rate and a way of feedback for student and teacher.

■ Florida SB 1076 (Open States or Florida Legislature),

the Career and Professional Education Act, creates new types of high school diploma designations, changes the funding formula for virtual institutions, revises graduation requirements, and focuses on integrating technology skills and industry certifications into programs in order to prepare students for high-demand, high-skill careers. In addition, the bill authorizes a preeminent state university to establish an on-line university.

■ Florida SB 1388 (Open States or Florida Legislature)

revises the statewide instructional materials process, providing districts with increased flexibility in adopting and purchasing instructional materials, including digital and electronic materials.

■ Florida SB 1500 (Open States or Florida Legislature),

the General Appropriations Act, establishes Florida's budget for the 2013-2014 fiscal year. There are several provisions in the budget relating to digital learning, however, two of those provisions were vetoed by Governor Rick Scott.

■ Florida SB 1514 (Open States or Florida Legislature)

is a budget conforming bill that addresses issues relevant to virtual schools and online courses, among others. It amends specific statutory provisions related to education necessary to conform the statutes to the appropriations made in the General Appropriations Act for the 2013-2014 fiscal year.

■ Florida SB 1664 (Open States or Florida Legislature)

deals with teacher preparation and governance by the State Board of Education (SBOE), expanding the current state-approved teacher preparation program to include a competency-based certification program and links a teachers evaluations to the test scores of the students that they teach.

Georgia

■ Georgia HB 283 (Open States or Georgia Legislature)

contains revisions to Title 20 of the Georgia Code, the state's basic law for education. It establishes a new grant program for technology capital.

Idaho

Idaho HB 65 (Open States or Idaho Legislature)

amends and adds to existing education law. It establishes provisions relating to public school technology and to the funding for this technology, among other actions.

Idaho HB 221 (Open States or Idaho Legislature)

adds to and amends existing law relating to public charter schools. It contains provisions relating to petitioning to establish a new public virtual charter school and guidelines for authorization of public virtual charter schools.

Idaho HB 275 (Open States or Idaho Legislature)

provides that a district may utilize up to 15% of certain moneys to pay another school district or public charter school for certain services or to defray certain costs and provides that a district may employ 9.5% fewer positions than funded without a reduction in the number of funded positions being imposed.

Idaho SB 1028 (Open States or Idaho Legislature)

ends the pilot phase for the Mastery Advancement Program and removes language limiting the availability of the program to school districts, as well as the duration of the program.

Idaho SB 1091 (Open States or Idaho Legislature)

re-establishes a long-term funding formula for the Idaho Digital Learning Academy (IDLA), funds the creation of a portal for on-line classes, establishes advanced opportunities for high school students through dual credit and advanced placement courses, and makes changes to the "8 in 6 Program," involving online courses.

Idaho SB 1199 (Open States or Idaho Legislature)

details the funding and structure for two programs that are funded for one year in Idaho's 2013-14 school budget, SB 1200. One program provides grant funding to school districts for differential pay based on excellence in achievement. The second program provides grant funding for technology pilot projects designed to improve student academic growth.

Idaho SB 1200 (Open States or Idaho Legislature)

is the fiscal year 2014 appropriation to the Public Schools Educational Support Program. It contains several specific expenditures for educational technology resources, including \$10.4 million designated for classroom technology and wireless infrastructure, \$3,000,000 is appropriated for technology pilot projects, and \$150,000 is appropriated for professional development.

Illinois

Illinois HB 208 (Open States or Illinois Legislature)

is an education appropriations bill for fiscal year (FY) 2014. Funding remained at similar levels to the previous year. This bill includes State and District Technology Support (formerly known as Technology for Success) and the School Technology Revolving Loan Program.

Illinois HB 494 (Open States or Illinois Legislature)

places a one year moratorium on the establishment of charter schools with virtual-schooling components in all school districts except for Chicago. The moratorium is in place from April 1, 2013 until April 1, 2014. It does not apply to such charter schools existing or approved prior to April 1, 2013, or to the renewal of their charters. By March 1, 2014, the State Charter School Commission will submit a report to the General Assembly on the effects of virtual schooling.

Indiana

■ **Indiana HB 1338** ([Open States](#) or [Indiana Legislature](#)) focuses on increasing charter school accountability, as well as access to high quality charter schools, but the

legislation also supports virtual charter schools and ensures that students attending virtual schools are not disadvantaged.

Iowa

■ **Iowa HF 215** ([Open States](#) or [Iowa Legislature](#)) introduces a range of new education reforms including teacher leadership, mentorship and professional development programs. It establishes a competency-based instruction task force and a competency-based education grant award. The bill also appropriates \$1.5 million per year for administering the state online learning initiative.

■ **Iowa HF 604** ([Open States](#) or [Iowa Legislature](#)) appropriates funds for fiscal years 2013-2014 and 2014-2015 from the General Fund of the State to the Department of Education, along with other departments and commissions, and contains several provisions relating to digital learning.

Kansas

■ **Kansas HB 2201** ([Open States](#) or [Kansas Legislature](#)) establishes the telecommunications study committee, which will study the creation of a state broadband fund to support the availability of advanced telecommunications capability throughout the state. It also authorizes the Board of Regents to fix, charge, and collect user fees for services provided by the Kan-Ed program in accordance with a plan developed by the Board.

■ **Kansas HB 2261** ([Open States](#) or [Kansas Legislature](#)) extends school districts "fund flexibility" to enable them to spend unencumbered funds from certain programs on general operating expenses, with the intent that the majority of these funds be spent in the classroom or for instruction. It also removes a cap on the amount of money that may be kept in a contingency reserve fund.

Kentucky

■ **Kentucky SB 61** ([Open States](#) or [Kentucky Legislature](#)) establishes a program to give public school students the option to graduate from high school early and qualify for an early graduation scholarship that may be used at a Kentucky community college, technical college, four year public university, or four year private, non-profit university.

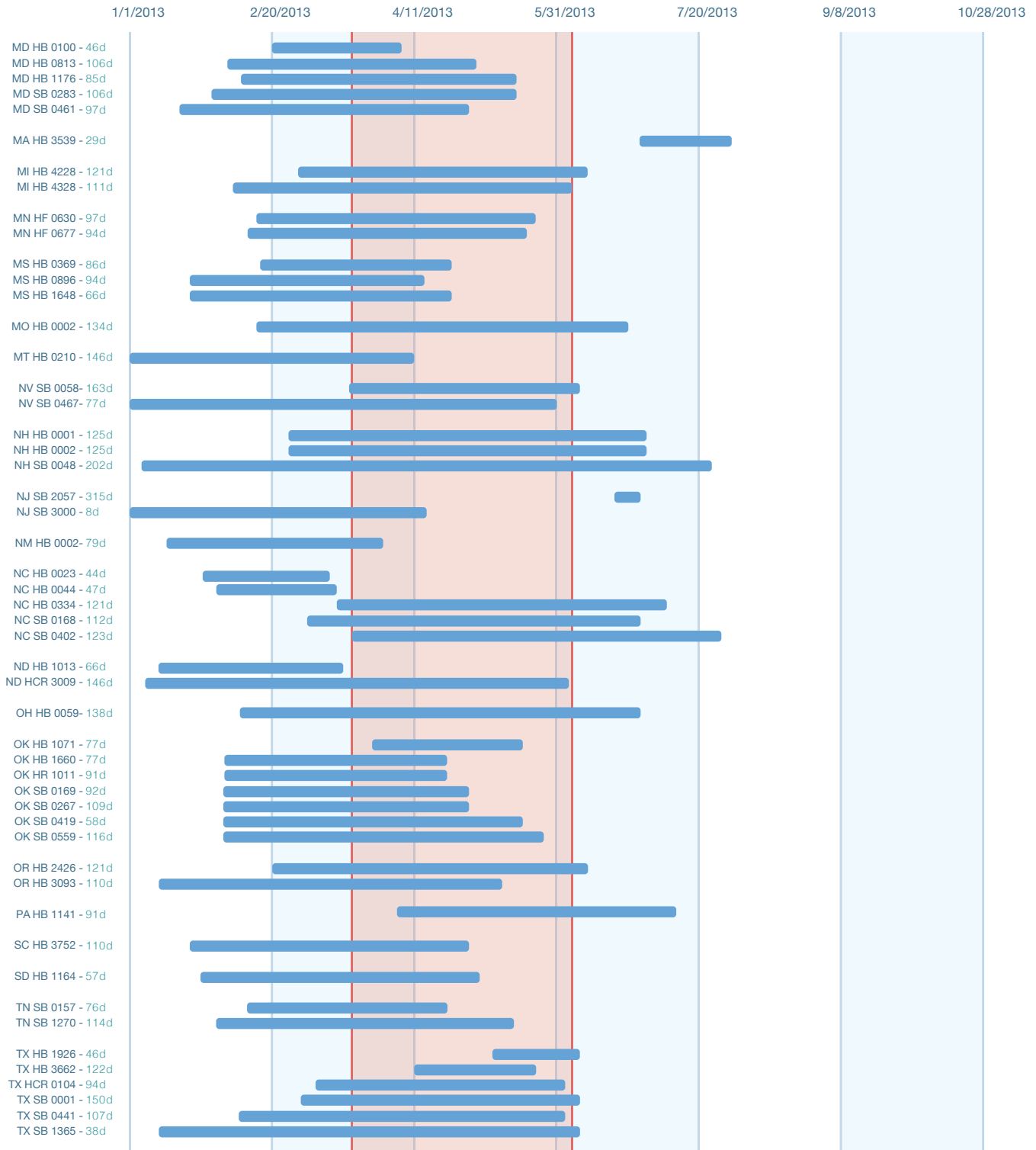
■ **Kentucky SB 75** ([Open States](#) or [Kentucky Legislature](#)) amends the Kentucky Revised Statutes regarding the minimum number of school instructional days. It establishes that virtual learning is an alternative method of instruction that may be used in granting equivalent instructional days.

Bill Timeline

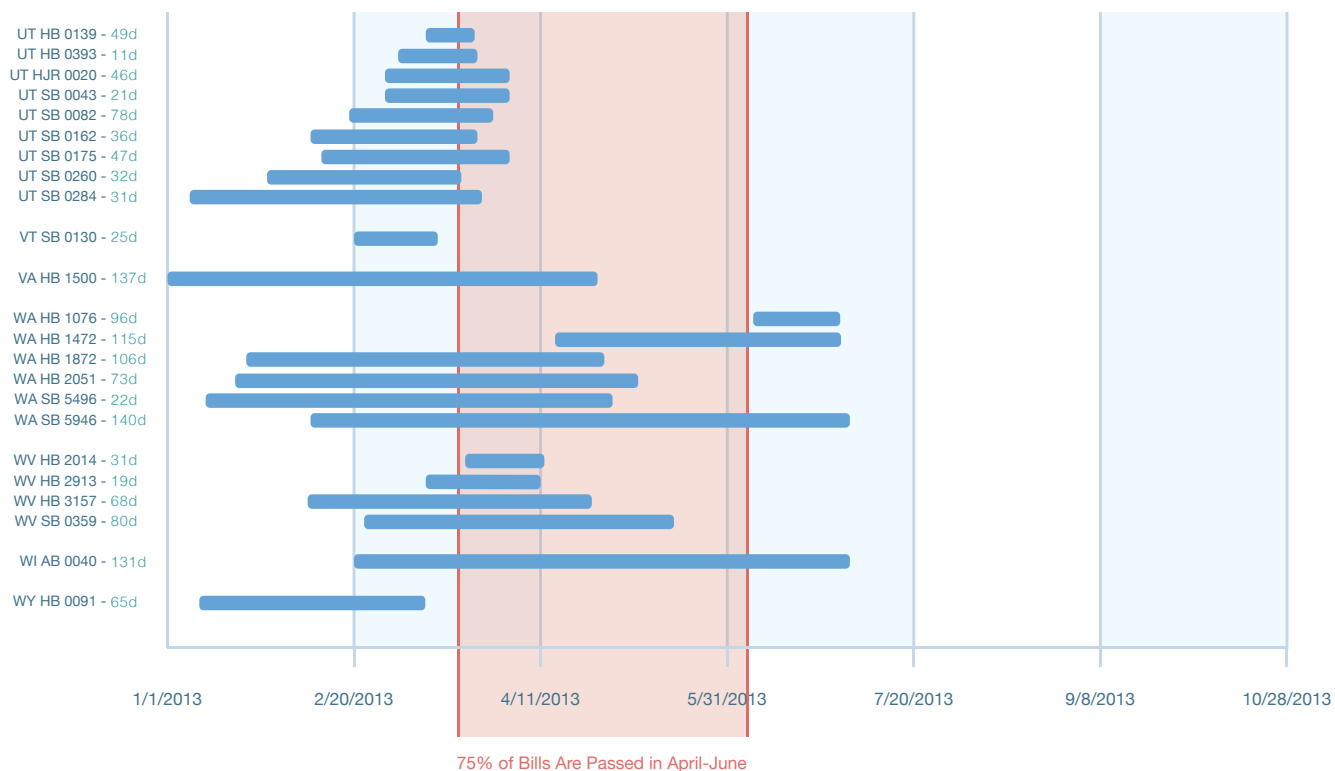
About 75% of bills are passed between April and the end of June. Bills are active for an average of 85 days across the U.S., with the quickest passing in less than 24 hours and the slowest passing in 315 days.



Bill Timeline Cont.



Bill Timeline Cont.



Louisiana

Louisiana HB 1 (Act 14) (Open States or Louisiana Legislature) is the state's budget for the fiscal year (FY) 2013-14. This bill protected the Louisiana Course Choice program by finding alternative means of funding the program after the Supreme Court ruled the original funding method was unconstitutional. It invests an additional \$69 million in K-12 education, half of which is dedicated to teacher pay raises. The budget also protects prior education reforms, including the Louisiana

Scholarship Program and changes to teacher tenure. New education funding also includes \$3 million to the Louisiana Virtual Charter School.

Louisiana SR 167 (Open States or Louisiana Legislature) is a Senate resolution requesting the Department of Education to establish a study group to conduct an expense analysis of replacing textbooks with e-books, implementing cloud technology, and related training.

Maine

■ **Maine LD 1509** ([Open States](#) or [Maine Legislature](#)) establishes the Digital Literacy Fund Z130. The fund will provide support for the development of a technical assistance program that designs instructional materials for promoting digital literacy and teacher professional

development and training in the use of online learning resources. The program will also provide for the implementation of a new clearinghouse containing information on the use of online learning resources.



BLENDING LEARNING IMPLEMENTATION GUIDE

November 14, 2013

[Watch Video](#)

<http://bit.ly/1lnqcp>

Maryland

■ **Maryland HB 100** ([Open States](#) or [Maryland Legislature](#)) provides that \$3,500,000 of the General Fund Appropriation be made for the purpose of the Digital Learning Innovation Fund will not to be expended until the MD Department of Education reports on the standards used to allocate the funds. The report must include a list of the projects proposed to receive funding in the grant's first year.

■ **Maryland HB 813** ([Open States](#) or [Maryland Legislature](#)) establishes a task force to study the impact on expanding credited and uncredited courses for students with intellectual and developmental disabilities.

■ **Maryland SB 283** ([Open States](#) or [Maryland Legislature](#)) establishes that the Maryland Advisory Council for Virtual Learning must consist of certain members, including two representatives of virtual learning providers, one school teacher engaged in digital instruction, and one parent of a student participating in digital learning opportunities. Among other things it also establishes the terms for membership within the Council.

■ **Maryland SB 461** ([Open States](#) or [Maryland Legislature](#)) requires that the development, review, and approval process of certain online courses and services must also include an assessment regarding the accessibility of the course to individuals with disabilities, including the blind.

Massachusetts

■ **Massachusetts HB 3539** ([Open States](#) or [Massachusetts Legislature](#)) establishes a pilot college and career readiness program for the 2013-2014 school year that includes among other things, a requirement that the

students receive online education services necessary for the student to demonstrate postsecondary and workforce readiness.

Michigan

■ **Michigan HB 4228** ([Open States](#) or [Michigan Legislature](#)) appropriates funds for a wide range of education reforms and expansions in digital learning, including course choice, expanding ease of access for 957,825 students wishing to enroll in online learning (allowing students to enroll in up to two online courses). It also increases for the Michigan Virtual University and expands its offerings to include professional development and support for at least 500 teachers.

■ **Michigan HB 4328** ([Open States](#) or [Michigan Legislature](#)) is the state's budget bill for the fiscal year 2013-14. It increases funding for School Improvement Plans, support for new charter schools, and increased rates for information technology. It eliminates funding for the charter school office, deletes a reporting requirement for online schools, and did not incorporate a proposed catalog of online learning courses. It also bars the Department of Education from spending appropriated funds to implement the Common Core State Standards or the Smarter Balanced Assessments.

Minnesota

■ **Minnesota HF 630** ([Open States](#) or [Minnesota Legislature](#)) is the omnibus K-12 Education Policy and Finance Bill. It adds ways to demonstrate proficiency to fulfill graduation requirements, sets forth guidelines

for adopting computer-adaptive testing in grades 3-7, and makes changes to the Online and Digital Learning Council.

Mississippi

Mississippi HB 369 ([Open States](#) or [Mississippi Legislature](#)) allows for new charters to be established by a statewide authorizer board for "D" & "F" districts, but only with the consent of districts that are rated "C" or above.

Missouri

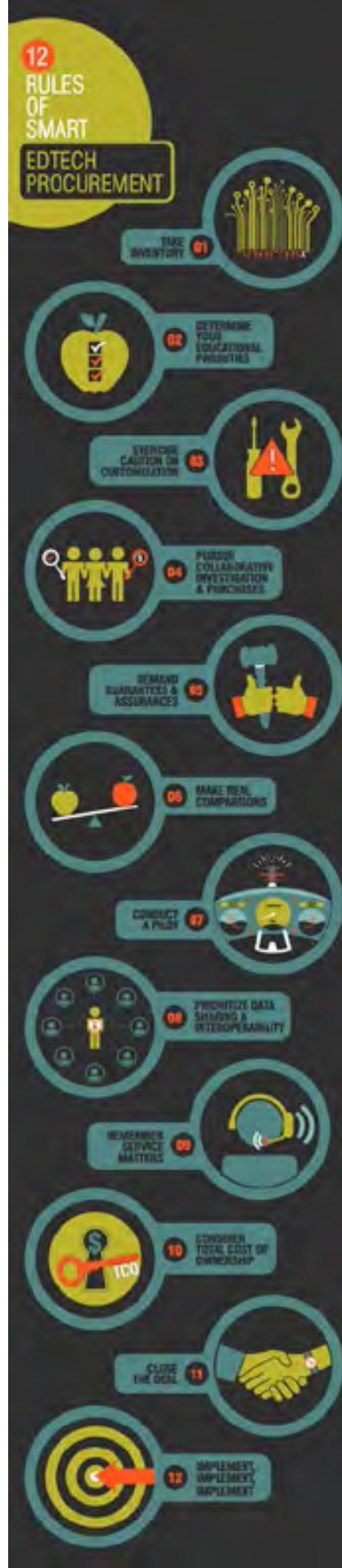
Missouri HB 2 ([Open States](#) or [Missouri Legislature](#)) appropriates funds to the state Board of Education and the Department of Elementary and Secondary Education for Fiscal Year 2014.

Montana

Montana HB 210 ([Open States](#) or [Montana Legislature](#)) appropriates \$300,000 from the general fund to the Office of Public Instruction for the Montana Digital Academy, for the fiscal year ending June 30, 2013. This funding was necessary to cover expenses associated with greater than projected enrollments.

Nevada

Nevada SB 58/Chapter 321 ([Open States](#) or [Nevada Legislature](#)) revises provisions governing the manner in which distance education is provided. This legislation allows eligible students to directly enroll in any distance learning programs without being required to obtain permission from their home district. It also allows for unlicensed employees to supervise distance education students.



In Plain English are brief summaries of digital learning legislation that passed in 2013. For more detailed summaries, visit the "In Plain English" section of the Digital Learning Now website. [Subscribe](#) to our mailing list for occasional updates.

New Hampshire

New Hampshire HB 2 ([Open States](#) or [New Hampshire Legislature](#)) rejects lack of state funding as a sole reason for denying charter school applications. This bill directs the state to pay tuition directly to virtual charter schools for all applicable students.

New Hampshire SB 48 ([Open States](#) or [New Hampshire Legislature](#)) represents a shift in thinking on the existing chapter on school performance and accountability. It moves away from traditional models and towards a system which would prepare students for college and career through the use of clear learning outcomes and competency-based learning. It would also change the references to schools in need of improvement to priority schools and focus schools.

New Jersey

New Jersey SB 2057 ([Open States](#) or [New Jersey Legislature](#)) prohibits school districts from using any district-provided electronic device, such as a computer, tablet, or phone, to violate a student's privacy.

New Jersey SB 3000 ([Open States](#) or [New Jersey Legislature](#)) is the state's appropriations bill for fiscal year 2013-2014. The bill appropriates \$1.7 million to establish an Education Innovation Fund and \$1.7 million for a Statewide Longitudinal Data Systems Research Grant.

New Mexico

New Mexico HB 2 ([Open States](#) or [New Mexico Legislature](#)) is the General Appropriation Act of 2013. The bill appropriates \$1,500,000 to establish a science, technology, engineering and mathematics initiative (STEM). The initiative will provide stipends to incentivize qualified teachers to teach STEM courses.

North Carolina

North Carolina HB 23 ([Open States](#) or [North Carolina Legislature](#)) directs the State Board of Education to develop and implement digital competency standards as part of teacher preparation and licensure by the 2017-2018 school year. This bill recognizes that digital learning is an integral part of all 21st Century teaching and works to integrate it into mainstream teacher preparation.

North Carolina HB 44 ([Open States](#) or [North Carolina Legislature](#)) establishes that the North Carolina General Assembly will transition from funding for textbooks, both traditional and digital, to funding for digital materials, including textbooks and instructional resources, to provide educational resources that remain current, aligned with curriculum, and effective for all learners by 2017.

North Carolina HB 334 ([Open States](#) or [North Carolina Legislature](#)) allows a county to use state lottery funds for digital learning expenses, such as school connectivity, digital textbooks and instructional resources, digital devices, and associated ongoing professional development for teachers.

North Carolina SB 168 ([Open States](#) or [North Carolina Legislature](#)) requires all students preparing to teach are proficient in using digital and other instructional technologies to provide high-quality, integrated digital teaching and learning to all students.

North Carolina SB 402 ([Open States](#) or [North Carolina Legislature](#)), the Appropriations Act of 2013, changes the funding formula for the North Carolina Virtual Public Schools (NCVPS) program, supports access to advanced courses offered on-line, directs the State Board of Education to study the authorization and oversight of virtual charter schools, and establishes the Education and Workforce Innovation Program.

North Dakota

■ **North Dakota HB 1013** ([Open States](#) or [North Dakota Legislature](#)) clarifies the state funding formula for districts to pay for virtual education.

Ohio

■ **Ohio HB 59** ([Open States](#) or [Ohio Legislature](#)) is a two-year state budget that gives schools \$15 billion, a four-percent increase over current appropriations. The bill awards \$675,000 in FY2015 to traditional

public and charter schools for participation in an electronic textbook pilot project. The bill caps growth on charter e-schools. It allows e-schools to provide career-technical education.

Oklahoma

■ **Oklahoma HB 1071** ([Open States](#) or [Oklahoma Legislature](#)) defines a virtual education provider offering full-time enrollment to students from other districts to be considered a site within the school district of the student. The provider is then subject to the state's accountability system. The bill also directs the virtual education provider and the school district to identify full-time students who do not live in the district where the provider is located and provide data on the performance of those students to the Department of Education.

■ **Oklahoma SB 169** ([Open States](#) or [Oklahoma Legislature](#)) establishes guidelines for virtual education providers offering full-time virtual education to students who are not residents of the school district with which the provider is contracted. It makes these providers subject to the state accountability system. It also requires providers and districts to identify and provide academic performance data for these students to the State Department of Education.

■ **Oklahoma SB 267** ([Open States](#) or [Oklahoma Legislature](#)) amends the Statewide Virtual Charter School Board legislation to detail new rights and responsibilities for the Board. It directs the Board to oversee operations and authorization of statewide virtual charter schools and provides direction on virtual charter school funding. It also stipulates that school districts will not be permitted to offer full-time virtual education to non-resident students.

■ **Oklahoma SB 419** ([Open States](#) or [Oklahoma Legislature](#)) defines supplemental online courses as any instruction that is not substantially a repeat of a course that the student has already completed. This definition applies regardless of whether a course is similar or identical to the instruction offered in the school district.

Oregon

■ **Oregon HB 2426** ([Open States](#) or [Oregon Legislature](#)) requires school districts to develop policies to govern the use of personal electronic devices in district schools, to determine whether there are free online resources when adopting textbook lists, and to provide professional development related to online resources for specified district employees.

■ **Oregon HB 3093** ([Open States](#) or [Oregon Legislature](#)) requires that a public charter school's annual audit submitted to the state's Department of Education must also be submitted to its sponsoring school district. A public charter school's sponsor may terminate its contract due to a failure to maintain a sound financial management system. The bill also sets forth the circumstances in which a for-profit entity may employ employees at a virtual public charter school.

South Carolina

■ **South Carolina HB 3752** ([Open States](#) or [South Carolina Legislature](#)) expands virtual learning in South Carolina. This legislation would remove limits on the number of online credits a student might be awarded under the virtual school program.

South Dakota

■ **South Dakota HB 1164** ([Open States](#) or [South Dakota Legislature](#)) establishes a classroom innovation grant program. The grant will provide funding for

classroom innovation using technology to enhance student learning. The bill appropriates \$500,000 for the distribution of the grants.

Tennessee

■ **Tennessee SB 157** ([Open States](#) or [Tennessee Legislature](#)) establishes a total initial enrollment cap for virtual schools, with certain exceptions, and establishes other requirements related to virtual schools.

Texas

■ **Texas HB 1926** ([Open States](#) or [Texas Legislature](#)) enacts an online course choice program for Texas, heavily utilizing the state virtual school network, which will act as a marketplace for high-quality online courses that have gone through an approval process. It expands student eligibility from only high school students to grades 6-12 and allows those students to take up to three courses online, funded by utilizing per-pupil funding, with a cap of \$400 per course, directed toward the individual course provider of their choice.

■ **Texas HB 3662** ([Open States](#) or [Texas Legislature](#)) establishes the Texas Workforce Innovation Needs Program. The Program will provide selected school

districts and institutions the opportunity to establish innovative college and career programs. The applicant's plan should focus on student learning through either competency-based learning or incorporating career and technical courses into dual enrollment or the early college education program. Applicants will be selected by the commissioner.

■ **Texas SB 1365** ([Open States](#) or [Texas Legislature](#)) advances competency based learning by allowing students in grades 6-12 to earn credit for courses after successfully passing exams selected by the school district board of trustees.

Utah

■ **Utah HB 139** ([Open States](#) or [Utah Legislature](#)) establishes a STEM (Science, Technology, Engineering, and Mathematics) Action Center Board tasked with creating a STEM Action Center program. It also appropriates funding for education related instructional technology and professional development in the STEM areas.

■ **Utah HB 393** ([Open States](#) and [Utah Legislature](#)) focuses on competency-based learning, requiring that, before the 2014 General Session, the State Board of Education make recommendations on a possible funding formula for competency-based education. The bill also allows a school district or charter school to establish competency-based education programs and assessments that would result in course credit if the student demonstrates competency in the subject.

■ **Utah SB 43** ([Open States](#) or [Utah Legislature](#)) amends existing legislation to require the State Board of Education to establish a task force to study and make recommendations to the Board on how to improve financial and economic literacy education in the public school system.

■ **Utah SB 82** ([Open States](#) or [Utah Legislature](#)) creates the first "Student Data Backpack," providing access to parents, guardians and authorized LEA users to the learning profile of a K-12 student in a secure electronic format called the "Student Achievement Backpack." It consolidates data currently collected on the student into the Utah Student Record Store and allows data to follow the student securely from school to school, throughout the learning cycle of the student.

Utah Cont.

Utah SB 162 ([Open States](#) or [Utah Legislature](#)) makes several changes to the guidelines for charging partial tuition for concurrent enrollment courses, where students can earn college credits while still in high school. The bill removes a provision allowing the waiver of partial tuition when a student elects not to receive higher education credit; allows an institution of higher education to charge a student partial tuition for technology-intensive concurrent enrollment courses and gateway career and technology education courses; and eliminates a provision allowing a student to pay a reduced partial tuition rate for each subsequent concurrent enrollment course the student takes after the student pays the partial tuition for the first concurrent enrollment course.

Utah SB 175 ([Open States](#) or [Utah Legislature](#)) modifies provisions regarding the assessment of high school students' college readiness, among them, replacing the basic skills competency test with college readiness assessments and requiring an online preparation program for the college admissions test.

Utah SB 260 ([Open States](#) or [Utah Legislature](#)) amends provisions and appropriates funds for public school early education programs, including the K-3 Reading Improvement Program and the Enhanced Kindergarten Program. The bill appropriates a total of \$4,700,000 from the Education Fund to the State Board of Education for program administration and to fund the Early Intervention Interactive Computer Software Program. It also reduces the ongoing appropriation to the K-3 Reading - Diagnostic Assessment System by \$2,200,000, for a net appropriation of \$2,500,000.

Utah SB 284 ([Open States](#) or [Utah Legislature](#)) modifies provisions relating to the deployment of whole-school one-to-one educational technology in public schools and appropriates funds to support this legislation.



**EIE13 STRATEGY SESSION -
EDUCATION'S NEW NORMAL:
MASS ACCESS TO THE BEST
COURSES AND TEACHERS
IN THE WORLD THROUGH
TECHNOLOGY**

November 9, 2013

[Watch Video](#)

<http://bit.ly/1dvX2Yf>

Vermont

■ **Vermont SB 130** ([Open States](#) or [Vermont Legislature](#)) establishes statewide dual enrollment and early college programs. The bill amends the state's high school completion program by allowing students to

pursue pathways to graduation that include applied or work-based learning opportunities, including internships. It also calls for career exploration to no later than seventh grade for all students.

Virginia

■ **Virginia HB 1500** ([Open States](#) or [Virginia Legislature](#)) is a state budget bill amending the 2012 Acts of Assembly, which appropriated funds for the 2012-2014 fiscal years, and providing a portion of revenues for those years.

Washington

■ **Washington HB 1076** ([Open States](#) or [Washington Legislature](#)) expands participation in innovation academy cooperatives by allowing students whose home district does not offer the innovation academy to transfer into a district that offers those cooperative schools. The bill discriminates against online-only classes and stipulates that a student must enroll in classes other than just online.

■ **Washington HB 1472** ([Open States](#) or [Washington Legislature](#)) requires high schools to approve AP computer science courses to be counted towards math and science requirements for graduation.

■ **Washington HB 1872** ([Open States](#) or [Washington Legislature](#)) establishes a comprehensive initiative to increase learning opportunities and improve educational outcomes in the STEM disciplines (science, technology, engineering, and mathematics) through multiple strategies and statewide partnerships.

■ **Washington SB 5496** ([Open States](#) or [Washington Legislature](#)) sets forth guidelines for authorizing approval of online school programs in private schools.

■ **Washington SB 5946** ([Open States](#) or [Washington Legislature](#)) makes changes to the Alternative Learning Experience (ALE) programs, defining three types of ALE courses and setting forth guidelines for how these courses should be administered and funded.

West Virginia

■ **West Virginia HB 2014** (**Open States** or **West Virginia Legislature**) is the budget appropriations bill for fiscal year 2014. The budget bill includes \$2.5 million for 21st Century Learners, \$800,000 for technology initiatives, and \$4.5 million for 21st Century Assessment and Professional Development.

■ **West Virginia HB 3157** (**Open States** or **West Virginia Legislature**) amends the education system and seeks to restore the authority, flexibility, and capacity of schools and school systems to improve student learning. It promotes the hiring of technology specialists and increases funding for instructional technology.

■ **West Virginia SB 359** (**Open States** or **West Virginia Legislature**) is a comprehensive education reform bill.

Wisconsin

■ **Wisconsin AB 40** (**Open States** or **Wisconsin Legislature**) establishes the two-year state budget, investing an additional \$380 million in new state dollars will be invested in public education, expanding course choice options in the state, offering new digital resources for students, parents and teachers as well as protecting digital learning from over-regulation.



**SIE13 STRATEGY SESSION -
A CUSTOMIZED EDUCATION:
EXTREME CHOICE THROUGH
DIGITAL LEARNING**

November 9, 2013

[Watch Video](#)

<http://bit.ly/1g1Ub9u>

Appendix A:

Methodology

For the 2013 Digital Learning Report Card, states were graded based on their progress toward achieving the **10 Elements of High-Quality Digital Learning**. Each state was awarded 11 grades: one grade for each of the 10 Elements of High-quality Digital Learning and one overall grade.

The 10 Elements were evaluated equally, with each Element comprised of multiple metrics. States earned points based on how far along they were in achieving each Element's metrics. This progress was then presented as a percentage for each of the 10 Elements and converted into a letter grade (see conversion chart below). The points each state could earn for each metric was awarded based on a standardized grading rubric.

The overall grade for each state was calculated by averaging the equally weighted grades of the 10 Elements.

Rubric

Using state input from last two years, we updated the grading rubric from 39 to 41 metrics within the 10 Elements. This rubric allowed for an objective evaluation of policies across all states. The two new questions in Elements 1 and 2 were included to better understand student eligibility based on prior year enrollment and student access to courses based on similar courses in a district

Additional partial credits were included in the 2013 rubric to better capture how states are progressing towards each metric and Element. The grading rubric was built in a way that enabled Digital Learning Now to award partial credit consistently across the states to recognize the multiple steps states have made toward creating an environment that supports comprehensive digital learning, even if the metric has yet to be fully met.

Process

States were provided an online survey to complete, looking at all 41 metrics within the 10 Elements of High-Quality Digital Learning. The grading rubric was built into the survey, with text boxes available for comments, citations, and sourcing for all answers.

In an effort to provide consistent data, we prepopulated several of the survey's with data from the 2012 survey to better understand how states were changing and progressing annually. States were provided their personalized survey, with the opportunity to adjust those prepopulated answers. After states submitted initial results for the survey, their responses were assessed, adjusting credits awarded where appropriate in order to present the clearest and more comprehensive picture of each state's digital learning policies. Preliminary state profile summaries were provided to each state to comment on and refine their answers further. Various technical consultations were provided by experts from Digital Learning Now, Getting Smart, iNACOL, Clayton Christensen Institute for Disruptive Innovation, and Data Quality Campaign.

Grading

Each of the 10 Elements of High-Quality Digital Learning is weighted equally for the overall state grade. Because of this equal weighting of the elements, the 41 metrics that comprise this survey may carry different weights, based on how many metrics are in each element.

Ex. Element 1 is composed of three metrics, making metrics number 1, 2 and 3 are each worth 33.3 percent of Element 1's grade. Element 2 is composed of four metrics, making metrics number 4, 5, 6, and 7 each worth 25 percent of Element 2's grade.

This example shows that metric 1 carries more weight in the overall grade than metric 4 carries. However, it is important to keep in mind the metrics are used to evaluate each of the 10 Elements, and those remain weighted equally in developing the overall state score and grade.

Each metric is worth up to 4 points. The total possible value for each Element is as follows:

Element 1 – Metrics 1, 2, 3 = 12 points

Element 2 – Metrics 4, 5, 6, 7 = 16 points

Element 3 – Metrics 8, 9 = 8 points

Element 4 – Metrics 10, 11, 12, 13 = 16 points

Element 5 – Metrics 14, 15, 16 = 12 points

Element 6 – Metrics 17, 18, 19, 20, 21, 22 = 24 points

Element 7 – Metrics 23, 24, 25, 26, 27, 28 = 24 points

Element 8 – Metrics 29, 30, 31 = 12 points

Element 9 – Metrics 32, 33, 34, 35, 36, 37 = 24 points

Element 10 – Metrics 38, 39, 40, 41 = 16 points

After data collection was completed, the percentage of points met out of possible points was calculated for each of the 10 Element and converted that into a letter grade using the scale listed below. Those 10 Element scores were then averaged for each state in order to calculate the overall grade.

Grade	Low Percentage	High Percentage
A	95%	100%
A-	90%	94%
B+	87%	89%
B	83%	86%
B-	80%	82%
C+	77%	79%
C	73%	76%
C-	70%	72%
D+	67%	69%
D	63%	66%
D-	60%	62%
F	0%	59%

Appendix B:

Additional Resources

ExcelinEd

<http://excelined.org/>

The ExcelinEd website contains a policy library featuring policy briefs, model legislation, reformer profiles, and videos around seven reform actions in education. The searchable database has information on college and career readiness, digital learning, effective teachers and leaders, K-3 reading, outcome-based funding, school choice, and standards and accountability. Visit for resources on Common Core State Standards, education reform news and an interactive nation's report card tool.

DLN Smart Series Papers

<http://www.digitallearningnow.com/dln-smart-series/>

The Digital Learning Now Smart Series is a collection of interactive papers that provide specific guidance for policy makers and education leaders regarding the adoption of the Common Core State Standards and the shift to personal digital learning. The recently released ebook, "Navigating the Digital Shift" offers updated versions of the papers originally released in the DLN Smart Series including contributions from 11 authors representing leading organizations such as Public Impact, the International Association for K-12 Online Learning (iNACOL), CompetencyWorks and The Learning

Accelerator.

The Smart Series is a project of Digital Learning Now in association with Getting Smart. These organizations have come together to accelerate the shift to high-quality digital learning for all students by addressing a different implementation challenge with each white paper. Topics include:

- **Funding the Shift to Digital Learning: Three Strategies for Funding Sustainable High-Access Environments:** <http://bit.ly/1jEjROj>
- **Data Backpacks: Portable Records and Learner Profiles:** <http://bit.ly/1mxaJMM>
- **Getting Ready for Online Assessments:** <http://bit.ly/1hmVOTT>
- **The Shift from Cohorts to Competency:** <http://bit.ly/1bJQhH4>
- **Funding Students, Options, and Achievement:** <http://bit.ly/1gfo5aW>
- **Improving Conditions and Careers:** <http://bit.ly/1aXUqnJ>
- **Online Learning: Myths, Reality, and Promise:** <http://bit.ly/1egVDsL>
- **Blended Learning Implementation Guide Version 2.0:** <http://bit.ly/1mxaPUz>
- **Smart Series Guide to EdTech Procurement:** <http://bit.ly/1fRAL1g>

DLN Smart Series Videos

Digital Learning Now has released a series of five videos complementing the Smart Series ebook and white papers. Videos feature policy experts including Governor Bush, President of the Alliance for Excellent Education and former West Virginia Governor Bob Wise, Michael Horn of the Clayton Christensen Institute for Disruptive Innovation, and Sal Khan of Khan Academy, as well as students and teachers from Mooresville Graded School District and schools across the nation.

- **Blended Learning Models:** <http://bit.ly/1fpwMod>
- **Blended Learning Implementation Guide:** <http://bit.ly/1mFPdZH>
- **Common Core and Digital Learning:** <http://bit.ly/NvgeyM>
- **Funding the Shift to Digital Learning:** <http://bit.ly/1hPXKqK>
- **The Promise of Digital Learning:** <http://bit.ly/1eu196K>

Summit Videos

The Foundation for Excellence in Education hosted three panels on digital learning during the National Summit on Education Reform in October 2013.

- **A Customized Education: Extreme Choices through Digital Learning:** <http://bit.ly/1fRBciz>
 - Moderator: Michael Horn (Clayton Christensen Institute for Disruptive Innovation)
 - Panelists: Ken Bradford (Asst. Superintendent, Louisiana Department of Education), Susan Patrick (President, iNACOL), and Senator Howard Stephenson (Utah State Senator)
- **Education's New Normal: Mass Access to the Best Courses and Teachers in the World Through Technology:** <http://bit.ly/1dvX2Yf>
 - Moderator: John Bailey (Executive Director, Digital Learning Now)
 - Panelists: Anant Agarwal (President, edX), Erin Knight (Senior Director of Learning and

Badges, Mozilla), and Hadi Partovi (President and Co-founder, Code.org)

- **Informed Decisions: Educators, Accountability, and Next Generation Data Systems:** <http://bit.ly/1kqGWnx>
 - Moderator: Tom Vander Ark (CEO, Getting Smart)
 - Panelists: Janet Barresi (Oklahoma State Superintendent of Education and Chiefs for Change member), Jose Ferreira, (founder and CEO, Knewton), and Aimee Guidera (founder and executive)
- A Conversation with Sal Khan - features Governor Jeb Bush, former Secretary of State Condoleezza Rice and philanthropist Laurene Powell Jobs. The group discusses the state of and challenges related to digital learning in the United States. <http://bit.ly/1pqaPbn>

Organizations



Alliance for Excellent Education

<http://all4ed.org/>

The Alliance for Excellent Education is a Washington, DC–based national policy and advocacy organization dedicated to ensuring that all students, particularly those who are traditionally underserved, graduate from high school ready for success in college, work, and citizenship. The Alliance focuses on America’s six million most at-risk secondary school students—those in the lowest achievement quartile—who are most likely to leave school without a diploma or to graduate unprepared for a productive future.

Aspen Task Force

<http://www.aspentaskforce.org/>

The Aspen Institute Task Force on Learning and the Internet is a national conversation led by 20 of the most innovative and talented minds in technology, public policy, education, business and online safety. The Task Force aims to better understand how we can optimize the web to improve learning.

Chiefs for Change

<http://chiefsforchange.org/>

Chiefs for Change is a bipartisan coalition of current and former state education chiefs who believe that American public education can be dramatically improved and share an urgency to achieve that goal. Together, they provide a strong voice for bold reform on the federal, state and local level.

Clayton Christensen Institute for Disruptive Innovation

<http://www.claytonchristensen.com/>

The Education Program at the Clayton Christensen Institute examines K–12 and higher education issues through the lens of disruptive innovation. Its research aims to transform monolithic, factory-model systems into student-centered designs that educate every student successfully and enable each to realize his or her fullest potential. The Institute offers a wide range of white papers, policy briefs, case studies, and videos around innovations in the education sector.

Data Quality Campaign

<http://www.dataqualitycampaign.org/>

The Data Quality Campaign (DQC) is a nonprofit, nonpartisan, national advocacy organization based in Washington, DC. Launched in 2005 by 10 founding partners, DQC now leads a partnership of nearly 100 organizations committed to realizing the vision of an education system in which all stakeholders—from parents to policymakers—are empowered with high-quality data from the early childhood, K–12, postsecondary, and workforce systems to make decisions that ensure every student graduates high school prepared for success in college and the workplace. DQC supports state policymakers and other key leaders to promote the development and effective use of statewide longitudinal data systems. DQC

provides a wealth of analysis around state data systems, policy guidance, data 101 resources, and other tools to help advance the strategic use of data to improve education.

Getting Smart

<http://gettingsmart.com/>

Getting Smart is a community passionate about innovations in learning. The group believes the shift to personal digital learning holds promise for improved student achievement in the developed world and access to quality education in the emerging economy. Getting Smart are advocates for better K-12 education as well as early, post-secondary and informal learning opportunities for all students. They attempt to accelerate and improve the shift to digital learning by covering important events, trends, products, books, and reports. *Getting Smart: How Personal Digital Learning Is Changing the World* by Tom Vander Ark, a well-known education expert, examines the facets of educational innovation in the United States and abroad. Vander Ark makes a convincing case for blended learning and personal digital learning.

iNACOL

<http://www.inacol.org/>

The International Association for K-12 Online Learning (iNACOL) is a non-profit organization focused on research; developing policy for student-centered education to ensure equity and access; developing quality standards for emerging learning models using online, blended, and competency-based education; and supporting the ongoing professional development of classroom, school, district and state leaders for new learning models. iNACOL represents a cross-section of K-12 education from school districts, charter schools, state education agencies, non-profit organizations, research institutions, corporate entities and other content and technology providers. Resources include:

- Keeping Pace with K-12 Online Learning: An Annual Review of Policy and Practice

- iNACOL Quality Assurance
- CompetencyWorks

The Learning Accelerator

<http://learningaccelerator.org/>

The Learning Accelerator is a non-profit organization whose mission is to transform K-12 education by accelerating the implementation of high-quality blended learning in school districts across the U.S. The "What is Blended Learning?" video provides a good overview of concepts around blended learning and examples of different models.

The One-To-One Institute

<http://www.one-to-oneinstitute.org/>

One-to-One Institute grew out of Michigan's successful, statewide one-to-one initiative, Freedom to Learn. One-to-One Institute is a national non-profit committed to igniting 21st century education through the implementation of one-to-one technology in K-12 settings. Our mission is to transform education. We believe that by personalizing learning through universal, uninterrupted access to technology students will take ownership of their learning and maximize their potential. One-to-One Institute offers professional learning, consultancy, expertise and hands-on experience in all aspects of developing learning environments that meaningfully integrate technology. Based on the latest research and our experience in hundreds of 1:1 environments, OTO has crafted a set of best practices for leadership, infrastructure and instruction to help ensure that your program is successful and sustainable.

State Education Technology Directors Association

<http://www.setda.org/>

Founded in 2001, the State Educational Technology Directors Association (SETDA) is non-profit, national member association that serves, supports, and represents the interests of U.S. state and territorial educational technology leadership. SETDA provides a wide range of resources to assist states with advancing digital learning:

- The State Education Policy Center (SEPC)
- The Broadband Imperative
- National Trends and State Profiles
- Online Assessment
- Interoperability

Resources



Michael and Susan Dell Foundation Blended Learning Case Studies

<http://www.msdf.org/programs/urban-education/initiatives/united-states/blended-learning/>

The Michael and Susan Dell Foundation produced a series of helpful case studies around blended learning models used at Alliance College-Ready Public Schools, FirstLine Schools, KIPP LA Schools, Rocketship Education, and Summit Public Schools. Each case study provides a background on the school, the instructional model, the operations model, the financial model, and lessons learned.

Next Generation Learning Challenges

<http://nextgenlearning.org/>

Next Generation Learning Challenges (NGLC) accelerates educational innovation through applied technology to dramatically improve college readiness and completion in the United States. Their website can help identify projects, find resources, and also identify lessons learned from the grantees.

Project 24

<http://www.all4ed.org/project24>

The Alliance for Excellence in Education launched Project 24 to help school districts address seven areas:

- Academic supports
- Budget and resources
- Curriculum and instruction
- Data and assessments
- Professional learning
- Technology and infrastructure
- Use of time

The "24" in Project 24 represents the next twenty-four months, during which the nation's education landscape will change greatly as states and districts implement college- and career-ready standards for all students, utilize online assessments to gauge comprehension and learning, deal with shrinking budgets, and contend with the demands of states' waivers from key provisions of the No Child Left Behind Act.

Project RED

<http://www.projectred.org/>

Project RED conducted the first and only national study of education technology to focus on student achievement and financial implications. In our research of nearly 1,000 schools, we discovered a replicable design for successfully introducing technology into the classroom- one that leads to improved student performance and cost benefits.



Digital Learning Now

an Initiative of ExcelinEd

-  info@digitallearningnow.com
-  [@DigLearningNow](https://twitter.com/DigLearningNow)
-  [Facebook.com/DigitalLearningNow](https://www.facebook.com/DigitalLearningNow)
-  <http://www.DigitalLearningNow.com>



This work is licensed under a Creative Commons Attribution-ShareAlike 3.0 Unported License.

Troy Eddles
Middlebury Senior High School

⁸Letters from the Arkansas Association of Educational Administrators; Arkansas School Boards Association, Arkansas Education Association, Arkansas Opportunity to Learn Campaign, Rural Community Alliance, Arkansas Citizens First Congress, and Arkansas Advocates for Children and Families; and Arkansas Rural Education, in opposition to funding for Open-Enrollment Charter School Facilities Loan Fund, submitted to the General Assembly in February, 2014

February 7, 2013

Senator Larry Teague, Chair
Representative Duncan Baird, Chair
Joint Budget Committee
State Capitol, Room 320
Little Rock, AR 72201

Dear Senator Teague & Representative Baird,

AAEA supports and applauds the Legislature's efforts, through funding, to provide adequate and equitable school facilities. However, we are concerned when a proposal for funding public charter schools has been introduced before a thorough review as part of the ongoing educational adequacy study and without an up-to-date facility assessment. This proposal is being made at the same time facility funding for traditional public schools is being reduced. In the 2013 Special Session, \$16 million was diverted from facilities funding for teacher health insurance. This shift for health insurance funds is not just one-time money, it will occur every year. For your consideration, AAEA proposes the following recommendations.

1. Any state funds earmarked for school academic facilities should flow through the Division of Public School Academic Facilities and Transportation. Since 2005, the Partnership Program has been the state's main funding program for academic facilities. Under the program, the Division of Public School Academic Facilities and Transportation (the Division) helps schools identify immediate and long-term building needs and distributes funding for a portion of the cost of necessary construction. Every 2 years, traditional public schools apply for facility funding, and the Commission for Arkansas Public School Academic Facilities and Transportation, upon recommendations by the Division, approves projects that qualify for funding. For public charter schools this approval process should be the same, or substantially similar, to the process used for any expenditure of state money on school facilities.
2. Additional state funds for academic school facility expenditures are needed. The one-time influx of general improvement funding (\$500 million in 2008) has been spent down. While the state puts approximately \$55 million each year (before this recent cut) into the Partnership Program, yearly financial commitments have averaged over \$100 million per year since 2006.

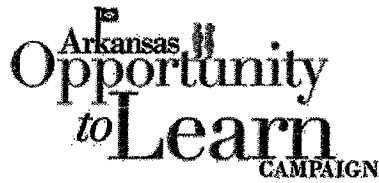
3. Considering the rapid depletion of Partnership funds mentioned above, it is vital that ALL state school facility expenditures be prioritized based on identified needs. A statewide assessment of public school facilities was last conducted in 2004. A reassessment is needed and would very likely reveal that while many school facilities have been improved there are still needs, especially in poor property wealth school districts in rural areas. Video documentation of these needs was presented to the Education Committees in April, 2013. Also, a reassessment is needed to survey existing facilities in regards to current technology needs, facilities for STEM initiatives, etc.
4. There should not be a separate funding stream or program for charter schools vs. traditional public schools. Charter schools are public schools and should have access to facility funding along with other public schools. By following similar requirements as traditional public schools, then the state can be assured there will be accountability and transparency in the way facility money (tax payer) is being spent.
5. There should be a controlled process to protect the state's financial interest, and to make sure the charter reflects the surrounding traditional student population in areas such as special education, ESL students, etc. This will ensure the state isn't providing facility funding for charter schools who have a selection process that creates barriers for certain students. There is also a concern regarding who would own the facility paid for with state funds if the charter closes. Providing funding before rules are established seems to lack transparency especially without a study being conducted through the Adequacy Committee.
6. AAEA respectfully requests to be at the table as rules are developed.

School facilities have long been established as an essential part of an adequate education. The current Partnership Program is the result of past lawsuits over inadequate funding. In summary, AAEA respectfully requests that the public charter school funding proposal be considered during the educational adequacy review process where the needs of all public school children in Arkansas are carefully deliberated.

Sincerely,



Dr. Richard Abernathy
Executive Director



Dear Sen. Key:

Thank you for the opportunity to comment on facilities funding for Arkansas public schools. We feel that the educational needs of the state's students require adequate and equitable facilities regardless of whether the facilities are for charter schools or traditional public schools. We were therefore concerned when a proposal for funding charter schools moved forward without going through the adequacy study process that funding for traditional schools has followed.

We hope you will consider these concerns about the funding for traditional schools prior to making a decision on funding for charter schools.

- 1) The biennial educational adequacy study has failed to reassess the facilities program and its results in individual school districts since the original assessment of need in 2004. A reassessment would reveal that while many school facility conditions are improved, there is still much need particularly in poor property wealth school districts in rural areas. The state's wealth index has lessened the inequities and inadequacies but has not eliminated them. Video documentation of these needs was presented to the Education Committees in April, 2013.
- 2) The large one-time influx of general improvement funding [\$500 million in 2008] has been spent down. Facilities expenditures for the last four years have averaged approximately \$105 million. Current spending levels cannot be maintained with the \$55 to \$60 million annually the state has been investing, even before the recent cut.
- 3) It has been suggested that the state's major school facilities needs have been met. First priority is being shifted to districts with student growth needing expanded facilities. This assertion is based on a very low bar—warm, safe, and dry.
- 4) One stream of funding for facilities from a pre-Lake View facilities program in the amount of approximately \$16 million per year was diverted to use for teacher health insurance. While we support solutions to the teacher health insurance problem, robbing facilities funding merely creates a larger deficit in a program already needing to replace the depleted one-time general improvement fund revenue.
- 5) Many districts have aged-out buildings that should have been renovated or replaced years ago. They have instead been patched to meet the lowest possible facility standard of warm, safe and dry. This is in contrast to districts that have substantial local resources to provide up-to-date modern facilities for their students through major renovations or new construction.
- 6) Districts with substantial local resources are to be commended for using them to the benefit of their students, but what about the districts without these resources? Some districts still cannot raise as much income per student as the districts with fewer mills but greater property wealth. The state wealth index has reduced but not eliminated the disparities.
- 7) Facilities standards have not been updated in the past ten years to incorporate up-to-date research on adequacy for current technology, current collaborative learning process, current integrated career and academic education programs, and current research on school climate and culture.

- 8) Available state money is being invested in a duplicate set of school buildings for charter schools while traditional public schools serving the over-whelming majority of Arkansas students are experiencing cuts to already inadequate facilities funding.

The Special Masters who reported to the Supreme Court in 2005 listed language in Act 1426 of 2005, "in order to satisfy the constitutional expectations of the Supreme Court, the state should: (1) provide constitutionally appropriate public school academic facilities for the education of each similarly situated child in the public schools of Arkansas, regardless of where that child resides within the state."

To ensure the provision of equitable and adequate facilities to all the state's students, we request that the public charter school funding proposal be part of the adequacy funding process and included in a comprehensive plan that addresses needs for facilities for all public schools. "

Thank you for consideration of our request.

Sincerely,



Rich Huddleston

Executive Director, Arkansas Advocates for Children and Families



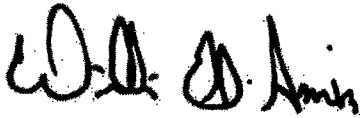
Brenda Robinson

President, Arkansas Education Association



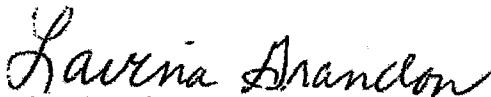
Richard Hutchinson

Chair, Arkansas Opportunity to Learn Campaign



William El-Amin and Mark Robertson

Co-Chairs, Arkansas Citizens First Congress



Lavina Grandon

Policy and Education Director, Rural Community Alliance



Dr. Tony Prothro

Executive Director, Arkansas School Boards Association



Arkansas Rural Ed Association

1309 Texas Street

Mena, AR 71953

479-234-2733

February 3, 2014

To Joint Budget Committee

Chairs: Senator Larry Teague Representative Duncan Baird

Thank you for your service to our state with your commitment to the Arkansas Legislature. Your willingness to hear from impacted groups on various issues is vital to making quality policy decisions. The Arkansas Rural Ed Association has concerns with the proposed \$10 million dollars to fund charter school facilities. We would like for you to consider the following points related to the proposed allocation before deciding on whether this allocation of funds is in the best interest of all children of Arkansas.

1. The recent reduction of \$16 million in the facilities funding to offset the school health insurance increases has contributed to the depletion of available funds for public school facilities.
2. Presently, the facilities program does not have revenue available to fund the 2014-15 approved projects for public schools. The decrease in available revenue has caused funding for warm, safe, and dry to be de-emphasized.
3. The poorest schools in Arkansas will not have their facility needs met since the rules have been changed for funding warm, safe, and dry. Should a new facility program be started before we keep our commitment to fund facilities that the Courts approved?
4. By approving the \$10 million dollar appropriation, the state is choosing an alternate way to fund facilities for a select number of Arkansas schools. This program brings up a lot of questions.
 - A. Has there been a needs study to assess the need for creating a new state funding stream and facility program?
 - B. Is there a plan as to how the revenue will be distributed to charter schools?
 - C. Will charter schools be held accountable for the expenditure of those funds?
 - D. Will the revenue be distributed equitably among charter schools?
 - E. Will charter schools have to show efficiency in their use of the State Facility Revenue?
 - F. Will there be State Building Standards used when State Facility Revenue is used for charter schools
 - G. With the state's limited revenue, is it wise to begin a second funding stream/program when we have an excellent plan in place?

When everything is considered, AREA doesn't think we should set up a separate funding stream to fund a select group of schools. We certainly understand the need for additional funds for facilities since the current program is running out of money. However, this proposal doesn't do anything to resolve the facility funding issue for the poorest traditional schools in Arkansas Again, thank you for your service to the children of this state. AREA appreciates the opportunity to express our concerns on this important issue.

Sincerely,

Bill Abernathy
Executive Director, Arkansas Rural Ed Association

⁹University of Arkansas Office for Education Policy, “Traditional Public School and Charter School Funding”, Volume 11, Issue 1, January 2014

Summary Points

- Traditional public school districts and public charter schools in Arkansas are funded based on the Foundation Funding Formula, whereby all public (traditional or charter) schools have access to the foundation amount (\$6,267 in 2012-13) for each student and to any appropriate categorical funds.
- Traditional public schools can also generate funds through local millage above the minimum 25 mill level; open-enrollment charter schools do not have access to the local millage.
- The details of the funding formula imply that charter schools would have less total revenue (about 20%) and of net current expenditures (15%) per pupil than traditional public schools.
- The empirical data for charter schools in Arkansas, compared to their neighboring TPS districts, show that, while there is great variation in charter funding, most charters do receive fewer resources, due mostly to the lack of funding channels dedicated to capital projects.

Traditional Public School and Charter School Funding

The existence and expansion of charter schools in Arkansas continue to be controversial. Proponents of charters argue that charter schools are unfairly burdened because they do not have access to local property tax revenue. Critics of charters, on the other hand, argue that charter schools pull funding away from traditional public schools. This brief examines the funding of traditional public schools and charter schools across the state and in the particular regions in which most Arkansas charter schools are located.

Funding for Traditional Public Schools and Charter Schools in Arkansas

In this brief, we present the available data on the funding of traditional public schools (TPS) and open-enrollment charter schools in Arkansas. While conversion charter schools have some flexibility in the manner in which they operate, they are governed and funded by the local school district and only serve students from within the boundary lines of that particular district. Thus, the funding of conversion charter schools is no different from that of TPS.

Open-enrollment charter schools, in contrast, are governed independently of local school districts and can enroll students regardless of their school district of residence. When students leave their TPS district, their respective state and federal funds follow them.

This Brief

Funding for Traditional Public Schools and Charter Schools	P.1
Arkansas Funding Formula	P.2
Predicted Differences in Funding	P.3
Statewide Comparisons	P.4
Regional Comparisons	P.5
Conclusion	P.8

Not surprisingly, the financial implications of the existence of charter schools have generated considerable controversy in Arkansas and nationwide. Charter school opponents argue that charter schools “take away” funding from TPS. Indeed, it is true that student transfers from TPS to charters result in less overall funding for TPS; however, it is also true that the TPS have fewer students to serve after students transfer to charters.

On the other side of the debate, charter advocates claim that charter schools are under-funded because they have no ability to tax local property values, one of the primary sources of funding TPS use to construct or renovate school buildings. Since charter schools do not have access to local tax revenue or state facility funds, they must use other revenue sources to fund their building projects.

We begin our examination of these arguments by describing the state funding formula. Then, before presenting the data on charter and TPS funding levels, we give an estimate of how we expect charter and TPS funding to differ based on the funding formula. Finally, we examine the differences in funding levels between charters and all Arkansas TPS and between charters and nearby school districts over the past four years.

Arkansas Funding Formula

School districts in Arkansas are funded based on the number of students in the district and their identifying characteristics. Charter schools are treated as separate “districts” and, for the most part, are funded through the same formula as TPS districts. Because several types of categorical funding are related to school characteristics, in Table 1, we present the demographic characteristics of TPS and charter schools across the state.

The baseline for funding across all districts is the foundation level of funding. The state guarantees that each school district can provide the foundation level of funding to all students (provided that the district collects at least 25 mills worth of local property tax revenue). In 2012-13, the **state-guaranteed foundation level was \$6,267 per pupil**. (For 2013-14, the foundation level has increased to \$6,393).

Simply put, the state foundation formula requires the state to “make up the difference” between local revenues and the guaranteed foundation level. First, the state computes the local revenue per pupil for each district based on the value of the local property base. Then, the state distributes equalization aid to each district to bring the total funding to the foundation level of \$6,267 per pupil. All traditional districts receive this state aid, except for a handful of districts with local property tax revenue in excess of the foundation amount.

As noted earlier, charter schools do not have access to any local taxes, and therefore, the state covers the entire foundation funding level for these schools. Overall, the state ensures that all districts, TPS or charter, have access to the foundation level of funding for each student. The net result is no difference in foundation funding levels between charter and TPS districts.

Above and beyond this foundation amount, the state allocates four types of **categorical aid** to each district: professional development (PD), alternative learning environ-

Table 1. Traditional and Charter Schools Demographic Comparison: 2012-13

	Traditional Districts	Charter Schools	<i>Difference</i>
N Districts	239	16	
Total ADA	436,471	7,450	
% Title I Students	62%	42%	20%
% FRL Students	61%	51%	10%
% ALE Students	1%	0%	1%
% ELL Students	7%	2%	5%
% Minority Students	35%	59%	-24%

Table 2. State Funding Categories for All Districts: 2010-13

		2010-11	2011-12	2012-13
Foundation Funding	Per Student	\$6,023	\$6,144	\$6,267
Professional Development	Per Student	\$44	\$45	\$45
Alternative Learning Environment	Per ALE Student	\$4,063	\$4,145	\$4,228
English Language Learners	Per ELL Student	\$293	\$299	\$305
National School Lunch Funding (NSLA)	Per FRL Student for School with...			
	0% - <70% FRL	\$496	\$506	\$517
	70% - <90% FRL	\$992	\$1,012	\$1,033
	90% - 100% FRL	\$1,488	\$1,518	\$1,549

ment (ALE), English language learner (ELL), and National School Lunch Act (NSLA) funds. Table 2 presents the different state funding categories and amounts.

In addition, TPS districts may choose to tax beyond the minimum required millage level (25 mills). These funds may be used for special capital projects, maintenance and operations, and debt service payments.

Another source of funding for capital projects for TPS districts is the Arkansas Division of Public School Academic Facilities and Transportation, which funds specific projects as proposed by individual TPS districts. Charter schools are not eligible for this funding.

Both TPS and charter schools receive additional state funding if they experience significant growth or decline in enrollment. We do not include growth/declining enrollment funding in our projections because it is difficult to predict enrollment changes.

To further supplement their budgets, some school districts seek resources through fundraising and grant writing. These funds are dependent on the effort and labor of each individual school district and are not guaranteed on a year-to-year basis. For this reason, we present a measure that excludes donations, State and Local Revenue Less Donations (SLD), in our comparisons in the next section.

Finally, federal dollars are given to school districts and charters for specified purposes. These categories include Title I, ROTC, food services, and IDEA programs.

These categories provide a complete picture of the sources of funding for each school district in the state.

Table 3. Projected Per Pupil Revenue for TPS and Charters in 2012-13

	TPS	Charters	<i>Difference</i>
2012-13			
Foundation Funding	\$6,267	\$6,267	\$0
Local Tax Revenue	\$1,335	\$0	\$1,335
NSLA Funding	\$442	\$375	\$67
ALE Funding	\$53	\$0	\$53
ELL Funding	\$24	\$7	\$17
PD Funding	\$45	\$45	\$0
Federal Funding	\$1,296	\$938	\$358
Facilities Funding	\$432	\$0	\$432
TOTAL	\$9,894	\$7,632	\$2,262

Predicted Differences in Funding

Given the funding dynamics above (Table 3), we expect charter schools to receive less funding than their neighboring TPS districts. In the text box below, we run through the categories to show the sources and the approximate magnitudes of the funding differences.

What Differences Are Expected between TPS and Charter Funding based on the Funding Formula?

- **Foundation Funding:** First, there should be no difference between the TPS and charters for this basic level of funding, which is set by the state for 2012-13 at **\$6,267**.
- **Local Tax Revenue:** In this category, charters will, of course, receive less than TPS districts. Our estimate of this difference, based on 2013 ADE financial data, suggests that the average TPS student across the state receives **\$1,335** per pupil from additional local taxes.
- **Categorical Funding:** Here, also, we expect some differences. These funds are generally targeted toward disadvantaged students, so schools with greater disadvantaged populations get more funding from these categories. Table 1 shows that, across the state, TPS students are slightly more disadvantaged than are charter students and should be expected to receive higher levels of funding in three of the categories listed below.
 - ◇ *National School Lunch Act (NSLA) Funding:* TPS districts have higher levels of poverty than charters by about 10%. For this reason, TPS districts receive **\$442** per student, while charters receive **\$375** per student.
 - ◇ *Alternative Learning Environment (ALE):* No charter students and only 1% of TPS students are eligible for this type of funding. For this reason, TPS districts receive **\$53** per student, while charters receive no funding in this category.
 - ◇ *English Language Learners (ELL):* TPS districts have higher levels of English language learners than charters by about 5%. For this reason, TPS districts receive **\$24** per student, while charters receive **\$7** per student.
- **Professional Development (PD):** Because this funding is on a per pupil basis, this level of funding is equal, with both types receiving **\$45** per student.
- **Federal Funding:** We would expect TPS students to receive higher levels of federal funding because TPS have more Title I students. (In 2012-13, TPS students received **\$1,296 per pupil**, while charter students received **\$938 per pupil**.)
- **Facilities Funding:** This is a special category of funding that only TPS districts are eligible to receive. According to data from 2011-12 and 2012-13, we find that the average TPS student receives **\$432** from this special funding as compared to \$0 for the average charter student.
- **Total:** Our prediction, based on the funding formula, is that charter students would have access to lesser funding levels in the categories of additional local revenue (about \$1,300 per pupil), categorical funding (about \$150 per pupil), federal funds (about \$350 per pupil), and facilities funds (about \$430) per pupil. In total, we should expect that charter schools receive approximately \$2,200 less per pupil than do TPS schools. This difference is over 20% of total funding.

Charter and Traditional School Spending Statewide

In this section, we assemble the empirical funding data to compare the actual funding of TPS and charter schools statewide over the past four years. One challenge of comparing school spending is that there are a variety of measures commonly used, ranging from the most broad (total revenue or expenditures) to the very specific (net current expenditures). The sidebar on the right explains all of the school finance measures displayed in Tables 4-7.

School Finance Measures

The measures displayed in Table 4 are defined below. Abbreviations used in Tables 5, 6, and 7 are shown in parentheses.

- Average Daily Attendance (ADA):** a measure of attendance for all Arkansas districts. The state allocates funding based on average daily membership (ADM) from the prior year. However, when calculating Per Pupil Expenditures (PPE), the state uses Average Daily Attendance (ADA) from the relevant school year. For this reason, we use ADA throughout, because it is an indicator of who receives the funds in the year they are distributed.
- Total Revenue per pupil (REV per pupil):** the broadest possible indicator of school funding, as it includes all revenue allocated to the school: local, state, federal, and other. It is calculated by dividing all revenue by ADA.
- State and Local Revenue per pupil:** a measure that represents funding allocated to districts from state and local sources (excluding federal revenue, but including fundraising revenue).
- State and Local Revenue Less Donations per pupil (SL-D per pupil):** a measure that represents funding allocated to a district excluding federal and fundraising revenue. This measure represents the amount “guaranteed” by the state (the entity constitutionally responsible for providing an adequate education).
- Total Expenditures per pupil:** a measure that represents all funding spent in a district, including instructional, non-instructional, district and school support services, facilities, debt service, and others.
- Net Current Expenditures per pupil (NCE per pupil):** a measure that represents funding resources for the day-to-day operations of the school (total expenditures less capital and other expenditures).

Table 4. Traditional and Charter School Revenue: 2009-2013

	Traditional Districts	Charter Schools	Difference
2009-10			
Number of Districts	246	18	
Average Daily Attendance	432,529	5,119	
Total Revenue per pupil	\$11,717	\$9,417	\$2,300
State & Local Revenue per pupil	\$9,368	\$7,253	\$2,115
S&L Rev. Less Donations per pupil	\$9,344	\$6,895	\$2,449
Total Expenditures per pupil	\$11,691	\$9,042	\$2,649
Net Current Expenditures per pupil	\$9,112	\$7,510	\$1,602
2010-11			
Number of Districts	239	17	
Average Daily Attendance	433,949	5,997	
Total Revenue per pupil	\$12,213	\$8,867	\$3,346
State & Local Revenue per pupil	\$9,492	\$7,419	\$2,073
S&L Rev. Less Donations per pupil	\$9,460	\$6,977	\$2,483
Total Expenditures per pupil	\$11,918	\$8,842	\$3,076
Net Current Expenditures per pupil	\$9,315	\$7,618	\$1,697
2011-12			
Number of Districts	239	17	
Average Daily Attendance	433,614	6,860	
Total Revenue per pupil	\$11,854	\$9,330	\$2,524
State & Local Revenue per pupil	\$9,855	\$7,856	\$1,999
S&L Rev. Less Donations per pupil	\$9,832	\$7,317	\$2,515
Total Expenditures per pupil	\$11,985	\$9,376	\$2,609
Net Current Expenditures per pupil	\$9,379	\$7,917	\$1,462
2012-13			
Number of Districts	239	16	
Average Daily Attendance	436,471	7,450	
Total Revenue per pupil	\$11,446	\$9,489	\$1,957
State & Local Revenue per pupil	\$9,824	\$8,293	\$1,531
S&L Rev. Less Donations per pupil	\$9,794	\$8,041	\$1,753
Total Expenditures per pupil	\$11,659	\$8,689	\$2,970
Net Current Expenditures per pupil	\$9,324	\$7,820	\$1,504
4-Year Average (2009-2013)			
Number of Districts	240.75	17	
Average Daily Attendance	434,141	6,357	
Total Revenue per pupil	\$11,808	\$9,276	\$2,532
State & Local Revenue per pupil	\$9,635	\$7,705	\$1,930
S&L Rev. Less Donations per pupil	\$9,607	\$7,308	\$2,299
Total Expenditures per pupil	\$11,813	\$8,987	\$2,826
Net Current Expenditures per pupil	\$9,283	\$7,716	\$1,567

In Table 4, for all of the traditional school districts and charter schools in the state from 2009 to 2013, we present the three per pupil revenue figures: **Total Revenue per pupil**, **State and Local Revenue per pupil** (because the constitutional obligation for providing education rests with state and local agencies), and **State and Local Revenue Less Donations per pupil** (because fundraising cannot be counted on each year). This last figure may be important to some, as it represents the amount that the state “guarantees” to its students each year.

Also in Table 4, we present two per pupil expenditure figures: **Total Expenditures per pupil** and **Net Current Expenditures per pupil** (this category includes day-to-day school operations but excludes most capital funding). The “4-Year Average” section of Table 4 is perhaps the most informative, as it is based on an average of the past four years, and thus is not the result of an aberration that might occur within a single year.

Based on all four years, we find that open-enrollment public charter schools across the state had an average total revenue level of \$9,276 per pupil while TPS districts received \$11,808 per pupil. This difference of approximately \$2,500 represents a 21% total revenue difference in favor of TPS. This difference is roughly predicted.

As described above, this difference is driven in large part by the ability of TPS districts to access additional local millage and state facilities funds. Not surprisingly, then, the TPS-charter difference in net current expenditures (which do not include capital expenditures) is smaller: TPS districts had \$9,283 in net current expenditures while public charter schools had net current expenditures of \$7,716 per-pupil for a difference of just over \$1,500 (about 16%).

Regional Comparisons of Charter and Traditional School Spending

While the statewide differences are interesting, they do not necessarily tell the whole story because public charter schools are not distributed evenly across the state. Rather, because charter schools are located in only a few regions of the state, we present regional school spending comparisons between charter schools and the TPS in the same regions. We begin in Central Arkansas (Table 5), where the greatest number of Arkansas charter schools are located; we then present the results for Northwest Arkansas (Table 6) and finally for four charters scattered across different regions in the state (Table 7).

Table 5. Comparison of TPS Districts and Charters in Little Rock

	2012-13					4-Year Avg. (2009-2013)			
	REV per pupil	SL-D per pupil	NCE per pupil	FRL % ²	Total ADA	REV per pupil	SL-D per pupil	NCE per pupil	Total ADA
LR 3-Dist. Average¹	\$14,332	\$12,390	\$11,872	66%	46,086	\$14,720	\$12,364	\$11,954	46,215
LR Charter Average	\$8,369	\$7,428	\$7,428	49%	4,582	\$8,595	\$7,186	\$7,293	3,682
Academics Plus	\$7,590	\$7,030	\$6,747	31%	623	\$7,718	\$6,897	\$6,527	574
LISA Academy	\$7,766	\$7,234	\$6,955	37%	739	\$7,924	\$7,197	\$7,236	539
Covenant Keepers	\$9,060	\$7,578	\$8,858	81%	208	\$8,918	\$7,428	\$8,690	190
eSTEM PCS	\$8,067	\$7,423	\$7,168	35%	1,440	\$8,262	\$7,323	\$7,368	1,232
LISA Academy North	\$8,179	\$7,066	\$7,029	31%	480	\$8,007	\$6,843	\$6,470	419
LR Prep. Academy	\$10,605	\$8,240	\$9,205	81%	336	\$11,082	\$7,977	\$9,730	174
Jacksonville Light-house	\$8,653	\$7,216	\$7,399	63%	680	\$10,333	\$6,870	\$7,079	502
SIA Tech Little Rock	\$13,233	\$12,845	\$13,509	99%	76	\$11,593	\$9,287	\$10,029	104

¹ The figures represent weighted averages.

² FRL represents the percentage of students receiving free-and-reduced lunch, and is used as a proxy to indicate the level of poverty.

Central Arkansas

The majority of open-enrollment charter schools in Arkansas are located in the Little Rock area. Table 5 shows the financial data for the region's charter schools and the three TPS districts in the metro area (Little Rock, N. Little Rock, and Pulaski County Special). In 2012-13, ten charter schools were located in the Little Rock metro area and pulled a majority of their students from the three TPS districts. The three eSTEM schools are reported as one entity in this analysis.

Over the past four years, total revenue in Little Rock TPS averaged \$14,720 per pupil while total revenue in the region's charter schools was \$8,595 per pupil. This represents a difference of \$6,125 or 42%. Similarly, for net current expenditures, TPS averaged \$11,954 per pupil while charters averaged \$7,293 per pupil, for a difference of about \$4,700 or 39%. It is important to consider that the TPS funding levels in the Little Rock region are relatively high due to the significant state desegregation funds allocated to the three districts: on average, the districts received an additional \$1,790 per pupil during the four year period.

As is evident from the top two lines of the table, on average, Little Rock-area charter schools serve fewer disadvantaged students and receive substantially fewer resources than do the neighboring TPS districts. Making precise comparisons between charter school and TPS funding in Little Rock is difficult, however, because of the diversity and size of both the charter and TPS sectors in the area. For example, the charter total in Little Rock includes such disparate 6-12 schools as LISA Academy (37% FRL) and Covenant Keepers (81% FRL), while the Little Rock school districts include such different P-5 schools as Forest Park Elementary School (17% FRL) in the Little Rock School District and Harris Elementary School (97% FRL) in the Pulaski County Special School District. These comparisons are simply not as clear as more concentrated comparisons, such as those shown in Table 7. A better way to understand charter TPS funding differences would be to compare schools with similar demographic profiles. Unfortunately, funding data are only reported at the district level, so school level comparisons of funding cannot be made.

Northwest Arkansas

Table 6 illustrates a similar trend in the Northwest Arkansas region. Neither of the two charters in Northwest Arkansas have spending levels near those of the fifteen TPS districts in Northwest Arkansas. Over the past four years, the total revenue per pupil in the TPS districts (\$11,606) is approximately \$4,400 greater (38%) than the corresponding figure for the two charter schools in the region (\$7,212). Again, the difference is smaller in the case of net current expenditures per pupil, where TPS districts (\$8,504) outspend the charter schools (\$6,034) by about \$2,700 (28%). These patterns are consistent with those observed in the Little Rock area and across the state.

Table 6. Comparison of TPS Districts and Charters in Northwest Arkansas

	2012-13					4-Year Avg. (2009-2013)			
	REV per pupil	SL-D per pupil	NCE per pupil	FRL % ²	Total ADA	REV per pupil	SL-D per pupil	NCE per pupil	Total ADA
NWA 15-District Average^{1,3}	\$10,696	\$9,159	\$8,065	52%	65,405	\$11,606	\$9,422	\$8,504	67,839
NWA Charter Average	\$7,315	\$6,952	\$6,365	24%	1041	\$7,212	\$6,747	\$6,034	971
HAAS Hall Academy	\$6,780	\$6,650	\$6,598	1%	310	\$6,658	\$6,377	\$6,103	271
Benton County School of the Arts	\$7,545	\$7,083	\$6,270	34%	731	\$7,425	\$6,888	\$6,006	700

¹ The figures represent weighted averages.

² FRL represents the percentage of students receiving free-and-reduced lunch, and used as a proxy to indicate the level of poverty.

³ The 15 districts included in the Northwest Arkansas average are: Bentonville, Decatur, Elkins, Farmington, Fayetteville, Gentry, Gravette, Greenland, Lincoln, Pea Ridge, Prairie Grove, Rogers, Siloam Springs, Springdale, and West Fork School Districts (all the districts in Washington and Benton Counties).

Table 7. Comparison of Individual TPS Districts and Charters Throughout Arkansas

	2012-13					4-Year Avg. (2009-2013)			
	REV per pupil	SL-D per pupil	NCE per pupil	FRL % ²	Total ADA	REV per pupil	SL-D per pupil	NCE per pupil	Total ADA
TPS Statewide Average ¹	\$11,446	\$9,794	\$9,324	61%	436,471	\$11,808	\$9,607	\$9,283	434,141
Arkansas Virtual Academy	\$7,045	\$6,365	\$6,658	60%	494	\$7,065	\$6,271	\$6,936	487
Difference	\$4,401	\$3,429	\$2,666	1%		\$4,743	\$3,336	\$2,347	
Sloan-Hendrix School District	\$11,456	\$9,786	\$8,683	65%	628	\$11,789	\$9,482	\$8,753	583
Imboden Charter	\$11,610	\$9,637	\$11,761	85%	45	\$10,758	\$8,442	\$9,984	55
Difference	-\$154	\$149	-\$3,078	-20%		\$1,031	\$1,040	-\$1,231	
Pine Bluff School District	\$11,918	\$9,945	\$11,336	86%	4,187	\$11,974	\$9,603	\$11,163	4,343
Pine Bluff Light- house Academy	\$10,073	\$8,086	\$9,257	91%	231	\$11,228	\$7,870	\$10,605	193
Difference	\$1,845	\$1,859	\$2,079	-5%		\$746	\$1,733	\$558	
Helena/W. Helena & Blytheville Average ³	\$13,485	\$10,605	\$11,524	86%	3,956	\$13,145	\$9,736	\$11,846	4,524
KIPP: Delta Charter Schools ⁴	\$12,098	\$7,982	\$11,010	86%	1,058	\$14,032	\$7,672	\$10,844	745
Difference	\$1,387	\$2,623	\$514	0%		-\$887	\$2,064	\$1,002	

Other Open-Enrollment Charter Schools in Arkansas

The remaining open-enrollment charter schools in operation in 2012-13 are spread throughout Arkansas outside of the Little Rock and Northwest Arkansas regions. In Table 7, the spending figures for these public charter schools are presented next to the corresponding figures for the neighboring TPS districts.

Spending for the Arkansas Virtual Academy (ARVA) is compared with statewide spending since the virtual school is free to draw students from across the state, as students take classes online from their homes. For ARVA, both the total revenue per pupil and net current expenditures per pupil are well below the statewide figures. In large part, these differences are due to the fact that ARVA receives very little state categorical funding, no poverty funding, and has no capital expenses. In previous years, ARVA has not collected student data on FRL status, explaining why ARVA did not receive NSLA categorical funding. In 2012-13, ARVA began to collect FRL-eligibility data; therefore, in the 2013-14 school year, ARVA will receive NSLA funding for these students.

The Pine Bluff Lighthouse Charter School receives funding levels that are slightly lower than those received by the local Pine Bluff School District. The relatively small

difference between the Lighthouse Charter school and the Pine Bluff School District is connected to the fact that the school serves a very high proportion of economically disadvantaged students (91% FRL).

The cases of the two remaining charter schools – Imboden Charter School and the KIPP Charter School – are each interesting due to specific circumstances. Both Imboden and KIPP receive more funding than TPS on one or more funding measures. For Imboden Charter School, the revenue figures per pupil are quite high due to the declining attendance at the school. Since the funding allocation is based on prior-year ADM (Average Daily Membership), per pupil funding is higher for districts with declining enrollments. In the case of Imboden, the school served 52 students in 2011-12 and then 40 students in 2012-13.

¹ The figures represent weighted averages.

² FRL represents the percentage of students receiving free-and-reduced lunch, and is used as a proxy to indicate the level of poverty.

³ Data for the Helena/W. Helena and Blytheville Districts were weighted by ADA. These districts were chosen because they are the TPS districts that correspond to the two KIPP campuses, located in Helena/W. Helena and Blytheville.

⁴ Data for KIPP Charter Schools were reported in aggregate, making individual campus comparisons impossible.

For more information about this policy brief and other education issues in Arkansas, contact us:

Office for Education Policy
211 Grad Ed Building
Fayetteville, AR 72701
Phone: (479) 575-3773
Fax: (479) 575-3196
oep@uark.edu

Visit Us Online:

officeforeducationpolicy.org
officeforedpolicy.com

EXECUTIVE DIRECTOR:

Gary W. Ritter, PhD

FACULTY:

Reed Greenwood, EdD

MANAGING DIRECTOR:

Jennifer W. Ash

RESEARCH ASSOCIATES:

Sarah M. Burks
Michael L. Crouch
Vera E. DeBerg
Prairey Walkling

RESEARCH ASSISTANT:

Charlene A. Reid



The KIPP schools in Arkansas have had relatively high revenues over the past four years. The four-year average REV per pupil is \$887 more than the Helena Blytheville district average. However, when looking at SL-D, KIPP receives \$2,064 less than the Helena Blytheville district average. According to ADE estimates, over the past four years, the KIPP schools have generated an average of \$2,091 per pupil per year in donations/fundraising. In contrast, the average TPS generates \$27 each year per pupil. In terms of net current expenditures, KIPP schools spent about \$1,000 less per pupil than TPS neighbors over the past four years.

Conclusion

As is well-known in education policy circles in Arkansas and across the nation, using public dollars to fund public charter schools has generated much controversy and much opposition from those in the TPS establishment. The goal of this OEP policy brief is to unravel and present the facts behind this thorny issue. Thus, in this brief, we aimed to both examine the implications of the Arkansas school funding system for TPS and charter schools and analyze the empirical data on school funding for charters and TPS over the past four years.

Just as we expected based on the details of the school funding formula, **most charter schools across the state have lower levels of total revenue than their TPS district counterparts.** While these overall differences are interesting, the important comparisons are between charter schools and their local traditional peer schools.

We looked at Arkansas charter schools in six different regions: Central Arkansas, Northwest Arkansas, and four other regions scattered across the state. While we found a great deal of variability across the state, charter schools generally received lower levels of fi-

nancial resources relative to their neighboring TPS districts.

To a great degree, these differences are due to the inability of charters to collect funding from additional local property taxes (above 25 mills) or to access the state facilities funds. Access to the local millage can generate substantial funds for many districts in the state (for example, in 175 traditional districts, the tax rate in 2012-13 was greater than 35 mills). Moreover, the Arkansas Division of Public School Academic Facilities and Transportation funding for school facilities is also helpful for many districts — 110 TPS districts accessed a total of \$188 million of these funds over the last two years. As of now, charter schools are unable to use these funds.

This issue is not unique to Arkansas; according to a 2010 study by the Fordham Institute¹, charter schools across the country receive approximately 20% less funding than traditional public schools, due in large part to local tax and capital funding issues. Indeed, this issue appears to have caught the attention of Governor Beebe, who earlier this month proposed adding \$10 million to the newly-created charter school loan fund.

In the end, the data are clear that funding differences between TPS and charters exist in Arkansas and across the country. What is less clear is how policymakers in Arkansas and across the nation will react to this information.

Sources and Resources

2012 OEP policy brief on TPS Charter funding:

<http://www.officeforeducationpolicy.org/downloads/2012/05/traditional-and-charter-school-funding-in-arkansas.pdf>

2012-13 District-Level Financial Database:

<http://www.officeforeducationpolicy.org/arkansas-schools-data-finances/>

Annual Statistical Report:

<http://www.apscn.org/reports/hld/asr/caja/1213/Annual%20Statistical%20Report%2020122013.pdf>

¹ <http://www.edexcellence.net/commentary/education-gadfly-daily/flypaper/2010/charter-funding-still-unfair.html>

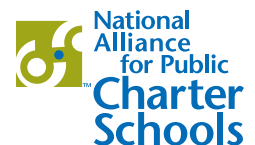
¹⁰Charter School Facilities Initiative,
“An Analysis of the Charter School
Facility Landscape in Arkansas”,
October 2013

AN ANALYSIS OF THE CHARTER SCHOOL FACILITY LANDSCAPE IN ARKANSAS

OCTOBER 2013



COLORADO LEAGUE of
CHARTER SCHOOLS
focus on achievement



ED.gov

THE NATIONAL CHARTER SCHOOL RESOURCE CENTER IS FUNDED BY THE U.S. DEPARTMENT OF EDUCATION'S OFFICE OF INNOVATION AND IMPROVEMENT AND ADMINISTERED BY AMERICAN INSTITUTES FOR RESEARCH, UNDER CONTRACT NUMBER ED-04-CO-0109/0004.



EXECUTIVE SUMMARY

THE ARKANSAS PUBLIC SCHOOL RESOURCE CENTER, the Colorado League of Charter Schools, and the National Alliance for Public Charter Schools publish this report, entitled “*An Analysis of the Charter School Facility Landscape in Arkansas*,” detailing the status of charter school facilities in the state.

In Spring of 2013, the above organizations worked to collect evidence that would accurately portray both the degree to which Arkansas open enrollment charter school facilities¹ were sufficient² and the average amount of operating funds spent on facilities. Collectively, the results described in this report provide evidence that open enrollment charter school students in Arkansas do not have access to the same facilities and facilities-related special program amenities compared to traditional public school students in the state.

In order to ensure that the policy recommendations of this report are research-based and supported by reliable data, Cuningham Group Architecture, Inc.—a leader in educational facilities architecture—consulted on the project to provide a set of reasonable expectations for school facilities’ size and amenities (see Appendix B for detailed description). The Colorado League of Charter Schools (“the League”) is the pioneering organization behind the creation and development of the Charter School Facilities Survey. The League worked closely with the Arkansas Public School Resource Center to collect the data used to produce this report. A set of recommendations for ways in which Arkansas could address any facilities-related issues is provided by the National Alliance for Public Charter Schools.

Given the alignment of the Facilities Initiative and the goals and data needs of the U.S. Department of Education’s (ED) Charter Schools Program (CSP), ED procured additional state surveys, including Arkansas. The National Charter School Resource Center at American Institutes for Research (AIR) [1] has been subcontracting with the Colorado League of Charter Schools to collect the research and data on behalf of the U.S. Department of Education since October of 2011. To date, AIR has subcontracted for the data collection and research of charter school facilities in seven states: Arkansas, Idaho, Massachusetts, Michigan, New Jersey, Rhode Island, and South Carolina.

This report is based on facilities survey and measurement data plus enrollment and operating revenue data collected for the 2012-2013 school year³. The results presented in this report are based on data from 100 percent of Arkansas brick and mortar charter schools⁴.

-
- 1 Arkansas law defines an open enrollment charter school as a public school operating under the terms granted by the authorizer, and which may draw its students from any public school district in the state. For purposes of this report, “charter school” will be used interchangeably with “open enrollment charter.”
 - 2 “Sufficient,” in terms of school facilities, was derived from local, regional and national school construction data as well as best practices in new charter school construction.
 - 3 Enrollment and per-pupil state foundation funding were obtained from the Arkansas Public School Resource Center and the Arkansas Department of Education.



The standards cited throughout this report were derived by averaging local standards⁵ and new construction practices from several sources including published regional and national new school construction data found in the School Planning and Management's Annual School Construction Reports for 2001 through 2012⁶.

Key findings include:

1. Arkansas's open enrollment charter schools spend per-pupil education and operating dollars on facilities, and do not have access to additional state and local facility funding.

- The average Arkansas charter school spends \$782 per pupil out of the school's annual operating budget on its facility, though this can vary depending on the charter's facility arrangement. For example:
 - Charters renting from private entities pay an average of \$864 per pupil (14 percent), annually.
 - Charter schools that own their facility pay an average of \$680 per pupil (11 percent), annually.
 - Charter schools renting from another, non-district, governmental entity pay an average of \$176 per pupil (three percent), annually.

4 Arkansas has one online school; it was not included in these survey results as standards for those facilities have not yet been explored.

5 Guidelines presented in the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing the Academic Facilities Partnership Program were also incorporated into the standards used in this study.

6 See School Planning and Management's Annual School Construction Reports for the years 2001-2012 at (<http://www.peterli.com/spm/resources/rptsspm.shtm>).

2. Charter school facilities in Arkansas are smaller than prescribed standards.

- **90 percent** of Arkansas charter school facilities are at least 20 percent smaller than the grade level standards.
- **95 percent** of Arkansas charter schools are on sites that are at least 20 percent smaller than grade level standards.
- **Only 25 percent** of charter school general education K-12 classrooms meet grade level standards, with fewer than five percent of early childhood education and kindergarten classrooms meeting the grade level standards.

3. Few Arkansas public charter schools have access to underutilized or vacant district facilities.

- **63 percent** of respondents reported that there is an empty traditional public school (TPS) building near the charter school.
- **Five charter schools** with empty TPS buildings nearby reported that they have asked the district for the use of that empty school facility.
- To date, **no charter schools** have been granted access to an empty district owned building.

4. Many Arkansas charter schools lack full-preparatory kitchen facilities that qualify for participation in the National School Lunch Program.

- **Sixty-eight percent** of Arkansas charter schools do not have a full-preparatory, federally-compliant food kitchen; however,
- **Almost 70 percent** of those have the capability of keeping food warm, typically food provided by catering companies.

5. Physical education and recreational options are limited for Arkansas charter school students.

- **Over 60 percent** of Arkansas charter schools do not have a gymnasium on campus.
- **Nearly 90 percent** of Arkansas charter schools reported that their facility does not have a play/athletic field or access to one nearby.

TABLE OF CONTENTS

Introduction 2

Key Findings 5

 #1: Arkansas’s open enrollment charter schools spend per-pupil education and operating dollars on facilities, and do not have access to additional state and local facility funding..... 5

 #2: Charter school facilities in Arkansas are smaller than prescribed standards..... 6

 #3: Few Arkansas public charter schools have access to underutilized or vacant district facilities. 7

 #4: Many Arkansas charter schools lack full-preparatory kitchen facilities that qualify for participation in the National School Lunch Program. 8

 #5: Physical education and recreational options are limited for Arkansas charter school students..... 8

Additional Evidence and Findings 9

Conclusions and Recommendations 12

Appendices: 15

 Appendix A: Methodology..... 15

 Appendix B: School Facility Standards..... 17

INTRODUCTION

Charter School Facilities Initiative Background

In the summer of 2007, the Colorado League of Charter Schools (“the League”) launched its Facilities 2010 Task Force. The Task Force was established to identify prominent shortcomings in the charter school capital landscape and to develop a blueprint of public policy and private sector changes leading to a comprehensive, long-range system of sufficient public charter school facilities or facility funding sources that are accessible to charter schools. At the direction of the Task Force, the League developed a comprehensive Charter School Facilities Survey in partnership with a national leader in school facilities, Paul Hutton, AIA, of Cuningham Group Architecture, Inc., and local experts in school planning, Wayne Eckerling, Ph.D., and Allen Balczarek.

In April 2008, the first report outlining the results of the Colorado survey was published. As a result of that report, the League was able to successfully obtain more capital construction funds for charter schools, make legislative changes that required school districts to include district-authorized charter schools in bond election discussions, and provide for the inclusion of charter schools as eligible applicants in the Colorado Building Excellent Schools Today (BEST) program, a competitive grant program that provides funding to school districts and charter schools for capital construction projects.

Charter School Facilities Initiative Partnership

The National Alliance for Public Charter Schools (“the Alliance”), upon noting the success of the Colorado facilities initiative, partnered with the League to use the Colorado facilities survey model in other states to assess the charter facilities landscape across the country. In 2010-2011 the League worked with the charter support organizations (“CSO”) in Georgia, Indiana, and Texas to pilot the initiative across multiple states simultaneously. Following the success of this multi-state initiative, data collection began in late 2011 in New York and Tennessee in conjunction with the state CSOs.

Given the alignment of the Facilities Initiative and the goals and data needs of the U.S. Department of Education’s (ED) Charter Schools Program (CSP), ED procured additional state surveys, including Arkansas, which began in the spring of 2013. The National Charter School Resource Center at American Institutes for Research (AIR) [1] has subcontracted for the data collection and research of charter school facilities in seven states: Arkansas, Idaho, Massachusetts, Michigan, New Jersey, Rhode Island, and South Carolina.

In 2013, the League worked in conjunction with the Arkansas Public School Resource Center (“Resource Center”) to collect and analyze the data used to produce this report. All charter schools in Arkansas were asked to complete the Charter School Facilities Survey and to allow a Resource Center representative to conduct an on-site measurement of the facility and educational spaces. The results presented in this report are based on data from all 19 of Arkansas’s brick and mortar charter school facilities⁷, which completed all or part of the comprehensive facility survey. While financial data was collected from the one online Arkansas charter school, that data is not included in this report.

Charter Schools in Arkansas

Arkansas’s charter law was passed in 1999, and the first two charter schools opened in Arkansas in 2001. In the 2012-2013 school year, 17 open enrollment charter schools (including 19 campuses) and one online charter school, collectively serving almost 8,000 students (or 1.7 percent of Arkansas’s K-12 enrollment), operate throughout Arkansas. In 2012-13, 51 percent of Arkansas’s charter school students were eligible for free or reduced price meals, and 59 percent belonged to at least one ethnic minority group.

The Arkansas Department of Education is the primary authorizer of open enrollment charter schools in the state, with the Arkansas State Board of Education possessing a discretionary right of review. Arkansas school districts may also apply to the State Charter Authorizer to “convert” a school into a charter school. This type of charter school⁸, called a district conversion charter school, remains part of a school district. As conversion charter schools continue to receive the same resources and supports from the school district, only the open enrollment charter schools were included in this study.

Management organizations run 37 percent of the open enrollment charter schools in Arkansas. Forty-seven percent of Arkansas charter schools are located in urban areas, 47 percent are in suburban areas, and five percent are in rural areas.

7 The number of facilities differs from the number of charter schools, as some charter schools operate more than one facility.

8 There are 18 conversion charter schools in Arkansas.

Charter School Facilities in Arkansas

Arkansas open enrollment charter school operators regularly report in the Arkansas Public School Resource Center's ("Resource Center") needs surveys that facilities funding is the single largest challenge in starting and sustaining a public charter school. Charter schools spend a greater share of per-pupil state foundation funding (SFF) (i.e. education/operational dollars) to cover the costs of their facilities, whether paying on debt service, rent, or a mortgage. Traditional Arkansas public schools have access to additional state facility funding and local tax dollars in excess of the uniform tax rate, in addition to the per-pupil SFF. Because Arkansas charter schools receive no direct facilities funding, this results in a drop in the remaining per-pupil SFF available for educational expenses (e.g. purchase of curricular materials, paying educator salaries).

To get a sense of the amount charter schools are paying for facilities, the Resource Center partnered with the League to participate in the Charter School Facilities Initiative (CSFI). Following the Colorado facility survey's model, all Arkansas charter schools were asked to complete an extensive and thorough survey about their facilities (see Appendix A for a detailed description of the survey). The Resource Center led this data collection effort and provided supplemental data on school enrollment, student demographics, and funding. The survey and measurement data was collected during May and June, 2013.

The standards cited throughout this report were derived from published regional and national new school construction data found in the School Planning and Management's Annual School Construction Reports for the years 2001-2012 (see <http://www.peterli.com/spm/resources/rptsspm.shtml>). Guidelines presented in the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing the Academic Facilities Partnership Program were also incorporated into the standards used in this study.

Judgment based on professional experience with charter and traditional public school design is also factored into these standards (see Appendix B). To ensure accuracy in data collection and interpretation, the League consulted with two industry experts: Paul Hutton, an architect and a leader in school facilities design and planning, and Wayne Eckerling, Ph.D., an expert on charter schools, facilities planning, research, and bond planning and implementation.

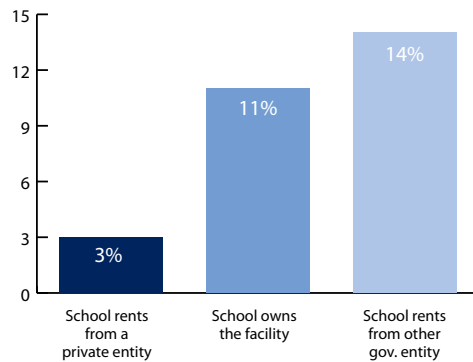
KEY FINDINGS

Key Finding #1: Arkansas’s open enrollment charter schools spend per-pupil education and operating dollars on facilities, and do not have access to additional state and local facility funding.

The 2012-2013 base-level per student state foundation funding (SFF) for all public schools in Arkansas, including charter schools, was \$6,267. On average, Arkansas public charter schools spend \$782 dollars per pupil, or 12.5 percent, from per-pupil SFF on facilities⁹. However, the amounts being spent vary widely, depending on the type of entity that owns the facility: the school, a governmental entity other than a school district (e.g. city- or county-owned), or a private entity (e.g. non-profit organization, a for-profit organization).

- Charters renting from private entities (63 percent) pay an average of \$864 per pupil (14 percent), annually.
- Charter schools that own their facility (10.5 percent) pay an average of \$680 per pupil (11 percent), annually.
- Charter schools renting from another (non-district) governmental entity¹⁰ (10.5 percent) pay an average of \$176 per pupil (3 percent), annually.

Figure 1
Percent of Per-Pupil Operating Budget Spent on Facilities by Facilities Arrangement



Note: Two facilities were not included in this analysis due to mixed ownership type.

In addition to rent or mortgage payments, 79 percent of Arkansas charter schools have undertaken a major capital project in the last five years (defined as projects over \$20,000), for a total of over \$32 million spent on renovations, major repairs, additions to existing facilities, new land or building purchases, or construction of a new facility, with an average of almost \$2.2 million spent per school. Over one-third of those schools (38 percent) utilized per-pupil state foundation funding and reserve funds generated from state foundation funding to pay for these capital projects – for a total of \$4.8 million (15 percent of all capital project funding).

Sixteen percent of Arkansas charter schools report that they are saving current per-pupil SFF operating revenue for future capital projects.

9 In this analysis, facilities costs do not include maintenance fees, utilities costs, or any other assessed fees by the districts, as those are paid by both traditional and charter public schools.

10 Non-district governmental entities could include facilities owned by a county or a city, or some other municipality.

Key Finding #2: Charter school facilities in Arkansas are smaller than prescribed standards.

Results from the survey found that Arkansas charter school buildings and classrooms are considerably smaller than the standards used for this study (see Appendix B).

- **Almost 90 percent** of Arkansas charter school facilities are at least 20 percent smaller than the grade level standards.
- **95 percent** of Arkansas charter schools are on sites that are at least 20 percent smaller than grade level standards.
- **Only 25 percent** of charter school general education K-12 classrooms meet grade level standards and fewer than five percent of early childhood education and kindergarten classrooms meet the grade level standards.

When total facility size is too small, charter schools are challenged to provide the same quality instructional spaces that are available to other public school students; such as a library, computer labs, or a space exclusively used for a gymnasium or lunch rooms.



Charter school facilities in Arkansas are smaller than prescribed standards.

Key Finding #3: Few Arkansas public charter schools have access to underutilized or vacant district facilities.

Charter schools are challenged to find suitable facilities when districts do not allow access to underutilized or vacant facilities and charter schools end up using funds from their per-pupil SFF operating revenues to pay for their capital needs (see Key Finding #1 for total amount spent within the past five years). These additional facility costs further dilute the per-pupil operating revenue charter schools have available for instruction.

- **Sixty-three percent** of respondents reported that there is an empty traditional public school (TPS) building near the charter school.
- **Five charter schools** have approached their districts requesting the use of nearby vacant TPS facilities.
- **No charter schools** were granted use of vacant TPS facilities, with half being told the district had plans for future use or given no explanation at all.¹¹
 - Similar results were experienced by charter schools seeking use of TPS district-controlled unused land or underutilized facilities (30 percent or more unused capacity) near their charter school facilities.
 - **Sixty-eight percent** of respondents either strongly disagreed or disagreed that “information about unused or underutilized space is readily available.” Seventy-three percent strongly disagreed or disagreed that “the selection of schools that are given the opportunity to use underutilized space for co-location is fair and transparent.”



11 The other two schools that were denied the use of an empty or underutilized facility were told that the district “had plans for future use or possible use as a school.”

Key Finding #4: Many Arkansas charter schools lack full-preparatory kitchen facilities that qualify for participation in the National School Lunch Program.

Sixty-three percent of the typical Arkansas charter school's students qualify for free and reduced price meals. Yet, a majority of Arkansas charter schools do not have a full-preparatory, federally-qualified food kitchen in which to prepare hot meals.

- **Sixty-eight percent** of Arkansas charter schools do not have a full-preparatory, federally-compliant food kitchen in which to prepare hot meals and that qualifies for federal free and reduced price meal reimbursement.
- **Almost 70 percent** of Arkansas charter schools have the capability of keeping food for students warm. This is typically food purchased from outside vendors that has been prepared at another location, often at costs far in excess of the federally-subsidized rates. Charter schools must find a way to cover that extra cost. Sometimes this is done by fundraising, but often the excess cost comes out of per-pupil operating revenue.

Key Finding #5: Physical education and recreational options are limited for Arkansas charter school students.

Although the majority of Arkansas charter schools have playgrounds for elementary students (86 percent), most Arkansas charter schools report that their facility does not have a gymnasium or a play/athletic field, nor access to one nearby. The lack of these amenities, often a "standard" in traditional public schools, limits the opportunity to participate in physical education and organized athletic activities for Arkansas charter school students.

- **Over 60 percent** of Arkansas charter schools do not have a gymnasium on campus.
- Of those schools that do have a gym, **less than 30 percent** of those gyms are dedicated gyms. The remaining schools have some kind of shared space (e.g., a gym/lunchroom combination).
- **Nearly 90 percent** of Arkansas charter schools reported that their facility does not have a play/athletic field or access to one nearby.

ADDITIONAL EVIDENCE AND FINDINGS

Specialized Instructional Spaces

Most instruction during the school day takes place in generic classrooms; however, specialized instructional spaces such as science labs, libraries, and music rooms are an important part of a comprehensive educational program. Arkansas charter schools have a limited number of these types of spaces, and, even when present, the spaces frequently do not meet the accepted standards¹².

The standards cited throughout this report were derived from published regional and national new school construction data. However, judgment based on the professional experience with charter and public school design of the architecture firm that the League consults with is also factored into these standards (see Appendix B for more information).

- **53 percent** of Arkansas charter schools have no dedicated library space or access to a nearby library.
- **32 percent** of Arkansas charter schools have no dedicated art room.
- **47 percent** of Arkansas charter schools have no dedicated music room.
- **32 percent** of Arkansas charter schools have neither a dedicated art room nor a dedicated music room.
- **38 percent** of Arkansas secondary charter schools have no dedicated gymnasium.



12 The standards cited throughout this report were derived from published regional and national new school construction data. Judgment based on professional experience with charter and public school design is also factored into these standards (see Appendix B).

School Environment

Recent studies conducted by Uline and Tschannen-Moran,¹³ Tanner,¹⁴ and Durán-Narucki¹⁵ demonstrate a link between the quality of the physical environment within a school facility and students' educational outcomes. Facility characteristics that are believed to have an impact on student learning are: acoustics, windows, natural day light, thermal comfort, and indoor air quality. The facilities survey asked Arkansas charter school leaders to rate their schools on these aspects. Selected relevant findings follow:

- Building deterioration is one area that Arkansas charter administrators often report as a problem with their school site:
 - In the last three years, **three Arkansas charter schools** have been forced to close their doors for three or more days due to facilities-related issues (such as broken pipes, furnace repair, or air quality issues).
 - **47 percent** of charter school leaders disagreed with the statement, "[t]he roof leaks rarely, if ever."
 - **58 percent** also disagreed that "[t]he site does not exhibit regular drainage problems such as standing water."
 - **42 percent** disagreed that "[t]he site is free of hazards like large cracks in the pavement or sidewalks and uneven ground."
- **Almost 70 percent** of Arkansas charter school administrators indicated the lack of operational windows or insulated glass (thermal pane).
 - **74 percent** disagreed with the statement that "[m]ost classrooms/instructional spaces have enough natural day-lighting, sufficient to occasionally turn off electric lights."
 - **37 percent** disagreed that "[m]ost classrooms/instructional spaces have windows permitting views of the outside."
- **Almost 60 percent** of charter school administrators reported that noise from other classrooms or corridors was a disruption to instruction inside the general classrooms.
- **At least 30 percent** of charter school administrators stated their school experienced air quality problems due to mold or mildew.

13 Cynthia Uline, Megan Tschannen-Moran, (2008) "The walls speak: the interplay of quality facilities, school climate, and student achievement," *Journal of Educational Administration*, Vol. 46 Iss: 1, pp.55 – 73.

14 C. Kenneth Tanner, (2009) "Effects of school design on student outcomes," *Journal of Educational Administration*, Vol. 47 Iss: 3, pp.381 – 399.

15 Valkiria Durán-Narucki (2008). "School building condition, school attendance, and academic achievement in New York City public schools: A mediation model." *Journal of Environmental Psychology*, Vol 28 Iss: 3, pp.278 – 286.

- **Over a third** of charter school administrators disagreed with the statements that “[t]he temperature in the **classrooms** is reasonably comfortable throughout the school year” and [t]he temperature throughout the **building** is reasonably comfortable throughout the school year.”
- **42 percent** of Arkansas charter schools have facilities that require students to cross a street to access one or more of the following: playgrounds, play/athletic field, gymnasium, or library.
- **42 percent** of Arkansas charters are in facilities constructed prior to 1970, and 26 percent are in facilities that have at least one temporary building.

Charter schools in Arkansas face a dual challenge as they look to the future; while there is high demand for charters to expand, there are not enough resources to support the expansion.

The typical (median) Arkansas charter school had a wait list of 92 students. Statewide, student demand for charter school enrollment exceeds the supply with a total wait list of almost 8,000 students at the time survey data was collected. In addition, 74 percent of Arkansas charter schools reported plans to grow over the next five years, potentially adding up to 2,724 additional students across the state. However, 79 percent of those schools planning for growth indicated that their current facility does not have adequate space to accommodate the additional enrollment. Over half of those schools have a specific plan to construct or acquire adequate space for the desired enrollment in five years.

Therefore, additional financial requirements for construction and/or acquisition of additional space, along with the costs of maintaining aging facilities will just worsen the additional burden of facilities costs for Arkansas charter schools. Almost 90 percent of Arkansas charter schools would participate in the newly-created State Charter Schools Facilities Funding program, with the typical school indicating it would apply for \$500,000.

CONCLUSIONS AND RECOMMENDATIONS

Arkansas public charter schools currently serve about two percent of the state's public school students, and are poised to serve an even larger percentage in the coming years. The Facilities Survey shows that 74 percent of Arkansas's public charter schools plan to increase their enrollment over the next five years.

The provision of equitable facilities funding, including access to state facility grant and loan programs and better access to vacant school district buildings, would allow public charter schools to allocate more operational dollars toward core educational concerns and enhance their ability to provide a well-rounded educational experience for Arkansas's public charter school students.

Based on experiences in other states, there is no one simple way to resolve the facilities challenges that charter schools face. A report by the National Alliance for Public Charter Schools, *A New Model Law for Supporting the Growth of High-Quality Public Charter Schools*, provides a menu of eight solutions that Arkansas may consider adopting to help mitigate these challenges:

- 1. A per-pupil facilities allowance that annually reflects actual average district capital costs.**
- 2. A state grant program for charter school facilities.**
- 3. A state loan program for charter school facilities.**
- 4. Equal access to tax-exempt bonding authorities or allowing charters to have their own bonding authority.**
- 5. A mechanism to provide credit enhancement for charter schools.**
- 6. Equal access to existing facilities funding programs available to traditional public schools.**
- 7. Right of refusal to purchase or lease at or below fair market value a closed, unused, or underused public school facility or property.**
- 8. Prohibition of facility related requirements that are stricter than those applied to traditional public schools.**

Not all of these solutions are equal in their importance. The most important solutions are those that provide revenue directly to public charter schools for their facilities expenses. Points #1, #2, and #6 above provide facility revenue options for Arkansas to consider. While not as critical as revenue, the other policy solutions listed above (#3, #4, #5, #7, and #8) may prove helpful to Arkansas charter schools and should also be seriously considered. It is important to note that the states that have helped public charter schools the most with their facilities challenges have enacted both revenue policies and non-revenue policies.

Arkansas currently provides little facilities support to public charter schools. According to the National Alliance for Public Charter Schools' *Measuring Up to the Model: A Ranking of State Charter School Laws* (which analyzes and ranks each state public charter school law against the model law), Arkansas law only addresses three of the eight facilities components in the model law:

- In 2013, the Arkansas legislature passed a law to create an Open Enrollment Public Charter School Capital Grant Program. However, the state has not provided funding to this program.
- New Arkansas law established the Open enrollment Charter School Facilities Loan Fund, which allows open enrollment public charter schools to borrow money from the state for facilities purposes, including credit enhancement for financing academic facility projects. Unfortunately, this too is under threat of going unfunded.
- Beginning in 2007, Arkansas law gives open enrollment charter schools the first right of refusal to purchase or lease at fair market value a closed public school or unused portions of a public school located in a district from which it draws students. It also provides that a district may not require lease payments that exceed the fair market value of a property, and that a district is not required to lease to an open enrollment charter school if an offer higher than fair market value is offered by an entity other than the charter school through a competitive bid process.

Arkansas could better support the likely growth of its public charter school sector over the next few years by helping charters with their facilities challenges in the following ways:

- **Provide direct funding to public charter schools for their facilities costs:** One option is to provide a per-pupil facilities allowance that annually reflects actual average district capital costs. For example, Tennessee provides a per-pupil facilities allotment to charter schools. The exact amount of the allotment varies by the district in which a charter school is located. Currently, the allotment is between approximately \$215 and \$315 per pupil. A second option is to fund an open enrollment public charter school capital grant program. For example, Indiana law established the charter school facilities assistance program to make grants and loans to public charter schools for the purpose of constructing, purchasing, renovating, maintaining, and paying first semester costs for new facilities projects, and reducing common school fund debt for public charter schools. Indiana provided \$17 million to this program in 2011.
- **Provide funding to the open enrollment public charter school facilities loan fund:** Arkansas law creates an open enrollment public charter school facilities loan fund. To date, this program has not received any funding. Utah law provides a charter school revolving loan fund that provides loans to public charter schools for the costs of constructing, renovating, and purchasing public charter school facilities. This fund is capitalized at \$6,000,000. Washington D.C. also has such a fund which is currently capitalized at over \$30,000,000.

- **Improve access to surplus district and other public space:** Arkansas requires school districts to give charter schools the first right of refusal to purchase or lease vacant and unused buildings at a price not to exceed the fair market value of the property. This policy should be strengthened. Indiana law, for example, requires school districts to provide a list of buildings that are closed, unused, or unoccupied to the state department of education and make them available for lease or purchase to any charter school. If a charter school wishes to use a school building on the list, the school district must lease the building for \$1 a year for a term at the charter school's discretion or sell the building for \$1.

The results of the 2013 Arkansas Charter School Facilities Study indicate that Arkansas charter schools face challenges in obtaining equitable access to facilities and facilities financing. By ensuring equitable access for all Arkansas public schools, charter schools could widen programming options, increase the quality of the educational experiences, and increase the number of available seats.



APPENDIX A

Methodology

Questionnaire Development

A critical first step to gathering the best possible set of objective data and information about charter school facilities and facility needs was to develop a comprehensive questionnaire.

To accomplish this, the Colorado League of Charter Schools (“the League”) commissioned Cuningham Group Architecture, Inc. The firm’s principal architect, Paul Hutton, AIA, has designed a variety of schools and is known for his creative, cost-effective, and environmentally conscious facilities. Hutton has designed numerous new charter schools and charter school additions. Wayne Eckerling, Ph.D., a former assistant superintendent with the Denver Public Schools with responsibilities for supervision of charter schools, educational planning, and research, was also selected to assist in the design of the survey and analysis of the data. In addition to his public school facilities expertise, Dr. Eckerling has experience with general obligation bond planning and implementation.

The draft questionnaire was reviewed by the League’s facility task force, League staff, and others with expertise in school construction and educational policy. A draft questionnaire was then field tested with a small group of charter schools to ensure clarity and comprehensiveness of the items. Further revisions to the questionnaire were made based on the feedback from all participating Colorado schools and survey results. The revised base survey and state-specific questions were then administered in Georgia, Indiana and Texas. Extensive feedback was solicited from these states’ Charter Support Organizations and schools, resulting in further revisions to the Colorado League of Charter Schools’ base survey.

Topics addressed include the following:

- Demographic information including grades served, year of inception, and number of students on the waiting list.
- Future facility plans.
- Shared use information.
- Facility information including year of construction and site size.
- Facility ownership, financing, and annual payments.
- Facility and classroom size and information technology resources.
- Facility amenities such as gymnasiums, lunch rooms, libraries, and playgrounds.
- Facility adequacy, condition, and maintainability.
- Facility funding.

The questionnaire includes more than 145 items with some requiring multiple responses.

Arkansas Survey Procedures

The League's base questionnaire was revised to address Arkansas-specific issues through a collaborative effort of the Arkansas Public School Resource Center ("Resource Center"), the League, Mr. Hutton, and Dr. Eckerling. To ensure both timely and accurate responses, the Resource Center and their consultants assisted schools with completing the questionnaires. Submitted questionnaires were reviewed again for accuracy and completeness. Follow-up was done with the schools as necessary. While the completed questionnaires are the primary source of information for this study, information was procured by the Resource Center from the Arkansas Department of Education and was used to provide data on pupil membership, per-pupil funding and free and reduced price lunch eligibility.

APPENDIX B

School Facility Standards

This section provides information about the standards used in this report. The standards cited throughout this report were derived from published regional and national new school construction data found in the School Planning and Management's Annual School Construction Reports for the years 2001-2012 (see <http://www.peterli.com/spm/resources/rptsspm.shtm>). Guidelines presented in the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing the Academic Facilities Partnership Program were also incorporated into the standards used in this study, forming a composite standard. Judgment based on professional experience with charter and public school design is also factored into the standards as are site, facility and classroom standards used in a number of states. The standards are intended to be neither excessively generous in allocating space nor unnecessarily limiting to charter school opportunities.

Gross square footage standards were based first on published regional and national new school construction data and comparable local facility data for gross building square footage¹⁶. This data is typically based on enrollments that average between 600 and 1200 students. Since many charter schools may not reach these levels of enrollment even when their program capacity is realized and a few may even exceed these enrollments, the standards were extended to account for a much broader range of enrollments while at the same time taking into account minimum sizes necessary for a base level of educational adequacy. When available, standards were also compared to state and/or district standards to verify validity. Standards for schools with enrollments of 200, 500, and 800 students are shown in Table 1.

	200 Students	500 Students	800 Students
Grades K-5	157	135	113
Grades K-8	160	144	128
Grades 6-8	169	159	150
Grades 6-12	178	172	165
Grades 9-12	188	182	176
Grades K-12	166	156	146

16 National and regional data were acquired from the School Planning & Management's (2001-2012, individually) Annual School Construction Reports. Local data was acquired through district building and planning reports.

Site standards were derived from the gross square footage standards described above by taking into account the fairly consistent relationship between building and site size. Again, particularly for smaller enrollments, educational adequacy was also taken into account. Again, derived standards were then compared to those used in other states and districts, including a representative sample of urban, suburban, and rural school districts, to ensure their validity. Site size standards are shown in Table 2 for three different enrollment levels.

Table 2. School Site Standards (acres)			
	200 Students	500 Students	800 Students
Grades K-5	4.50	9.50	9.50
Grades K-8	5.00	11.25	11.25
Grades 6-8	4.50	10.75	10.75
Grades 6-12	4.75	11.75	11.75
Grades 9-12	5.25	12.50	12.50
Grades K-12	5.00	11.75	11.75

General classroom standards are shown in Table 3. These standards were derived from standards used in other states and districts as well as best practice based on professional experience with charter and public school design. Adjustments were made for Montessori and Expeditionary Learning programs to reflect that larger classrooms are required to implement these educational programs.

Table 3. General Classroom Standards (square feet per student)	
Grade K	46
Grades 1-5	33
Grades 6-8	30
Grades 9-12	28

Standards for specialized instructional spaces like libraries, computer rooms, science labs, art rooms, music rooms, special education classrooms, gymnasiums, and lunch rooms also were developed based on a review of state and district standards as well as best practices in school design. Many of the standards below are based on formulas to accommodate the potential for smaller or larger enrollments, as previously outlined, and then take into consideration educational adequacy. Some of these standards are shown below. Lunch room standards assume three lunch periods.

Table 4. Specialized Instructional Spaces			
	Elementary	Middle	High
Gymnasium	3,000 SQ FT	5,400 SQ FT	7,300 SQ FT
Science Lab/Class	42 SQ FT / Student	46 SQ FT / Student	50 SQ FT / Student
Art	40 SQ FT / Student	42 SQ FT / Student	48 SQ FT / Student
Library	SQ FT = 500 + (2.5 * enrollment)		
Lunch Room	SQ FT = 1/3 * enrollment		SQ FT = 1/3 * enrollment

Charter School Facilities Initiative: An Analysis of the Charter School Facility Landscape in Arkansas,
was prepared by the Colorado League of Charter Schools and National Alliance for Public Charter Schools
on behalf of the Arkansas Public School Resource Center.

¹¹Act 1255 of 2013, codified at Ark. Code Ann. §6-23-901 et seq.

1 State of Arkansas *As Engrossed: S3/26/13 H4/6/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 836

4

5 By: Senator J. Key

6

7

For An Act To Be Entitled

8

AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS

9

CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER

10

PURPOSES.

11

12

13

Subtitle

14

TO ESTABLISH THE OPEN-ENROLLMENT PUBLIC

15

CHARTER SCHOOL FACILITIES LOAN FUND.

16

17

18

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19

20

*SECTION 1. Arkansas Code Title 6, Chapter 23, is amended to add an
additional subchapter to read as follows:*

22

23

SUBCHAPTER 7 – The Open-Enrollment Public Charter School Facilities

24

Loan Fund.

25

26

6-23-701. The Open-Enrollment Public Charter School Facilities Loan

27

Fund - Established.

28

Beginning with the 2013-2014 school year, the Open-Enrollment Public

29

Charter School Facilities Loan Fund is established under § 19-5-1249 to

30

provide funding for safe and secure facilities in which to conduct

31

educational services and administrative activities for open-enrollment public

32

charter schools.

33

34

6-23-702. Funding source - Procedures.

35

(a) The Open-Enrollment Public Charter School Facilities Loan Fund

36

shall be administered and operated by the Division of Public School Academic



1 Facilities and Transportation for the sole purpose of facility assistance for
2 eligible open-enrollment public charter schools.

3 (b) The fund may be funded by:

4 (1) General revenues received by the division for the purposes
5 of starting, augmenting, or replenishing the fund;

6 (2) Grants received by the division for the express purpose of
7 providing open-enrollment public charter school facilities assistance,
8 including grants from the United States Department of Education; and

9 (3) Donations or bequests from organizations or individuals
10 received by the division that are designated for the fund.

11 (c) The division shall:

12 (1) Use rules and forms adopted by the Commission for Arkansas
13 Public School Academic Facilities and Transportation for the administration
14 and operation of the loan program, including without limitation a loan
15 application form that addresses:

16 (A) A specific description of the project or facility for
17 which funding is needed;

18 (B) A description of the project or facility for which
19 funding is needed, including the physical location of the project or
20 facility;

21 (C) The anticipated cost of acquisition, construction,
22 lease, operation, addition, improvement, or repair of the open-enrollment
23 public charter school facility;

24 (D) An explanation for the open-enrollment public charter
25 school's inability to provide sufficient funding for the project or facility
26 through other resources;

27 (E) A description of the funds that the open-enrollment
28 public charter school intends to use to collateralize and pledge to secure
29 the loan;

30 (F) A repayment period of not to exceed ten (10) years
31 from the date the loan is approved;

32 (G) A resolution from the open-enrollment public charter
33 school's governing board stating the necessity of the requested assistance;
34 and

35 (H) The repayment terms and conditions of the loan with
36 the repayment interest rate not to exceed one percent (1%) of the interest

1 rate earned by money in the fund; and

2 (2) Develop a prioritization system to fund projects and
3 facilities if sufficient funding is not available to fully fund all eligible
4 requests.

5 (d) The division shall dedicate sufficient personnel and resources to
6 administer the loan program in a timely and responsive manner.

7 (e) All earnings received on the investment of assets held in the
8 Open-Enrollment Public Charter School Facilities Loan Fund shall be used in
9 the following order of priority for the following purposes:

10 (1) To pay the operating expenses of the Open-Enrollment Public
11 Charter School Facilities Loan Fund administered by the division; and

12 (2) To fund loans under § 6-23-703 or as permitted by law.

13
14 6-23-703. Purpose of loan.

15 An open-enrollment public charter school may borrow and the Division of
16 Public School Academic Facilities and Transportation may lend money from the
17 Open-Enrollment Public Charter School Facilities Loan Fund for:

18 (1) The construction, lease, or purchase of an academic
19 facility;

20 (2) The repair, improvement, or addition to an academic
21 facility; or

22 (3) Credit enhancement for financing academic facility projects
23 under subdivisions (1) or (2) of this section.

24
25 6-23-704. Loan application.

26 (a) The board of directors of an open-enrollment public charter school
27 wanting to borrow money from the Open-Enrollment Public Charter School
28 Facilities Loan Fund, acting through its chair or president and secretary,
29 after approval of such action by full majority approval of the board of
30 directors, shall file a loan application with the Division of Public School
31 Academic Facilities and Transportation.

32 (b) The loan application shall be on a form promulgated by the
33 Commission for Arkansas Public School Academic Facilities and Transportation,
34 and include without limitation:

35 (1) The name, location, and Local Education Agency number of the
36 open-enrollment public charter school;

1 (2) The date and location of the board of directors meeting at
2 which action was taken to make a formal application for a loan;

3 (3) The purpose for which the loan will be used;

4 (4) The estimated amount of the proposed loan, including any
5 supporting documentation on cost estimates;

6 (5) Complete financial information, including all current debt
7 obligations;

8 (6) The method proposed to repay the loan; and

9 (7) Any additional information requested by the division.

10 (c) An application shall be executed in duplicate with the original to
11 be filed with the division and the copy to be retained in the files of the
12 open-enrollment public charter school.

13
14 6-23-705. Loan decision.

15 (a) The Division of Public School Academic Facilities and
16 Transportation shall review and assess the accuracy of the information
17 provided in each loan application within a reasonable time after receiving a
18 loan application.

19 (b)(1) After reviewing and considering the merits of the application,
20 the division may:

21 (A) Approve the loan requested for the full amount;

22 (B) Approve the loan requested for an amount less than
23 requested; or

24 (C) Deny the loan.

25 (2) The division shall notify the open-enrollment public charter
26 school in writing of the decision.

27 (c) An open-enrollment public charter school may apply for and accept
28 a loan from the Open-Enrollment Public Charter School Facilities Loan Fund
29 without prior approval from the Commissioner of Education under § 6-23-
30 401(a)(5).

31
32 6-23-706. Rules.

33 (a) The Commission for Arkansas Public School Academic Facilities and
34 Transportation shall promulgate rules necessary to administer the Open-
35 Enrollment Public Charter School Facilities Loan Fund which shall include
36 without limitation a provision for the prioritization of loan applications.

1 (b) This section is not intended to subject a loan applicant to rules
2 similar to those applicable to school districts under the Arkansas Public
3 School Academic Facilities Funding Act, § 6-20-2501 et seq., and the Arkansas
4 Public School Academic Facilities Act, § 6-21-801 et seq.

5
6 6-23-707. Failure to remit payment.

7 (a) If an open-enrollment public charter school fails to remit payment
8 for an outstanding loan under the Open-Enrollment Public Charter School
9 Facilities Loan Fund, upon certification of the amount of delinquent funds by
10 the Division of Public School Academic Facilities and Transportation, the
11 amount of delinquent funds including penalties and interest may be deducted
12 from the operating funds designated to the open-enrollment public charter
13 school through the Department of Education and remitted directly by the
14 department to the Open-Enrollment Public Charter School Facilities Loan Fund,
15 if requested by the division.

16 (b) The operating funds from which delinquent funds may be deducted
17 for an open-enrollment public charter school are limited to:

18 (1) State funding distributed under § 6-20-2305, including
19 without limitation state foundation funding and state categorical funding;

20 (2) Federal funding to the extent allowed under federal law; and

21 (3) The net assets of an open-enrollment public charter school
22 deemed property of the state upon revocation or nonrenewal of the charter.

23 (c) The state shall hold a preferred security interest in the amount
24 of the outstanding loan.

25
26 SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
27 amended to add an additional section to read as follows:

28 19-5-1249. Open-Enrollment Public Charter School Facilities Loan Fund.

29 (a) There is created on the books of the Treasurer of State, the
30 Auditor of the State, and the Chief Fiscal Officer of the State a
31 miscellaneous fund to be known as the "Open-Enrollment Public Charter School
32 Facilities Loan Fund".

33 (b) The fund shall consist of:

34 (1) General revenues as may be authorized by law;

35 (2) Grants received by the Division of Public School Academic
36 Facilities and Transportation for the purpose of providing open-enrollment

1 public charter school facilities assistance, including grants from the United
2 States Department of Education;

3 (3) Donations or bequests received by the division for the
4 purpose of starting, augmenting, or replenishing the fund;

5 (4) Revenues received from open-enrollment public charter
6 schools for the repayment of a loan granted under the Open-Enrollment Public
7 Charter School Facilities Loan Fund program; and

8 (5) Other revenues as may be provided by law.

9 (c) The fund shall be used for distributing loans to open-enrollment
10 public charter schools for the purposes of the construction, lease, or
11 purchase of an academic facility, the repair, improvement, or addition to an
12 academic facility, and enhancing credit for financing purposes under the
13 Open-Enrollment Public Charter School Facilities Loan Act of 2013 established
14 in § 6-23-701 et seq., and as may be otherwise provided by law.

15
16 /s/J. Key

17
18
19 **APPROVED: 04/16/2013**

¹²Ark. Code Ann. §6-23-501

§ 6-23-501. Funding for open-enrollment public charter schools

(a)(1) An open-enrollment public charter school shall receive funds equal to the amount that a public school would receive under [§ 6-20-2305\(a\)](#) and [\(b\)](#) as well as any other funding that a public charter school is entitled to receive under law or under rules promulgated by the State Board of Education.

(2)(A) For the first year of operation and for the first year the open-enrollment public charter school adds a new grade, the foundation funding and enhanced educational funding for an open-enrollment public charter school is determined as follows:

(i) The initial funding estimate shall be based on enrollment as of July 1 of the current school year;

(ii) In December, funding will be adjusted based upon the first quarter average daily membership; and

(iii) A final adjustment will be made after the current three-quarter average daily membership is established.

(B) For the second year and each school year thereafter, the previous year's average daily membership will be used to calculate foundation funding and any enhanced educational funding amounts.

(3) National school lunch state categorical funding under [§ 6-20-2305\(b\)\(4\)](#) shall be provided to an open-enrollment public charter school as follows:

(A) For the first year of operation and in any year when a grade is added, free or reduced-price meal eligibility data as reported by October 1 of the

current school year will be used to calculate the national school lunch state categorical funding under the state board rules governing special needs funding; and

(B) For the second year and each school year of operation thereafter, the previous year's October 1 national school lunch student count as specified in state board rules governing special needs funding will be used to calculate national school lunch state categorical funding for the open-enrollment public charter school.

(4) Professional development funding under [§ 6-20-2305\(b\)\(5\)](#) shall be provided to an open-enrollment public charter school for the first year of operation and in any year in which a grade is added as follows:

(A)(i) In the first year of operation the open-enrollment public charter school shall receive professional development funding based upon the initial projected enrollment student count as of July 1 of the current school year multiplied by the per-student professional development funding amount under [§ 6-20-2305\(b\)\(5\)](#) for that school year.

(ii) For the second year and each school year thereafter, professional development funding will be based upon the previous year's average daily membership multiplied by the per-student professional development funding amount for that school year.

(5) The Department of Education shall distribute other categorical funding under [§ 6-20-2305\(a\)](#) and [\(b\)](#) for which an open-enrollment public charter school is eligible as provided by state law and rules promulgated by the state board.

(6) An open-enrollment public charter school shall not be denied foundation funding, enhanced educational funding, or categorical funding in the first year or any year of operation provided that the open-enrollment public charter school submits to the department the number of students eligible for funding as specified in applicable rules.

(7) Foundation funding for an open-enrollment public charter school shall be paid in twelve (12) installments each fiscal year.

(b) An open-enrollment public charter school may receive any state and federal aids, grants, and revenue as may be provided by law.

(c) Open-enrollment public charter schools may receive gifts and grants from private sources in whatever manner is available to public school districts.

(d)(1) An open-enrollment public charter school shall have a right of first refusal to purchase or lease for fair market value a closed public school facility or unused portions of a public school facility located in a public school district from which it draws its students if the public school district decides to sell or lease the public school facility.

(2) The public school district may not require lease payments that exceed the fair market value of the property.

(3) The application of this subsection is subject to the rights of a repurchaser under [§ 6-13-103](#) regarding property taken by eminent domain.

(4) A public school district is exempt from the provisions of this subsection if the public school district, through an open bid process, receives and accepts an offer to lease or purchase the property from a purchaser other than the open-enrollment public charter school for an amount that exceeds the fair market value.

(5) The purposes of this subsection are to:

(A) Acknowledge that taxpayers intended a public school facility to be used as a public school; and

(B) Preserve the option to continue that use.

(6) Nothing in this subsection is intended to diminish the opportunity for an Arkansas Better Chance Program to bid on the purchase or lease of the public school facility on an equal basis as the open-enrollment public charter school.

CREDIT(S)

[Acts of 1999, Act 890, § 7, eff. July 30, 1999; Acts of 2001, Act 1311, § 7, eff. April 5, 2001; Acts of 2003 \(2nd Ex. Sess.\), Act 59, § 3, eff. July 1, 2004; Acts of 2005, Act 2005, § 11, eff. Aug. 12, 2005; Acts of 2007, Act 736, § 26, eff. July 31, 2007; Acts of 2009, Act 1469, § 22, eff. April 10, 2009; Acts of 2011, Act 993, §§ 12 to 14, eff. April 1, 2011; Acts of 2011, Act 981, § 14, eff. July 27, 2011; Acts of 2011, Act 989, §§ 75 to 77, eff. July 27, 2011.](#)