

# Digital Learning Academy

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

Submitted as:

Idaho

HB 552

Status: Enacted into law in 2008.

## Suggested State Legislation

(Title, enacting clause, etc.)

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

2

3           Section 2. [*Definitions.*] As used in this Act:

4           (1) “Academy board,” or “board,” means the board of directors of the digital learning  
5 academy created in Section 3 of this Act.

6           (2) “Host district” means the school district where the fiscal operations of the digital  
7 learning academy are housed until [insert date].

8           (3) “Digital learning academy” means an online educational program organized as a fully  
9 accredited school with statewide capabilities for delivering accredited courses to resident  
10 students at no cost to the student unless the student enrolls in additional courses beyond full-time  
11 enrollment. Participation in the digital learning academy by public school students shall be in  
12 compliance with academy and local school district policies. Adult learners and out-of-state  
13 students shall pay tuition commensurate with rates established by the state board with the advice  
14 of the [superintendent], and such funds shall be included in the budget and audit of the academy's  
15 fiscal records.

16           (4) “State board” means the [state board of education]. The state board is authorized and  
17 directed, with the advice and recommendation of the academy board, to promulgate rules to  
18 implement the provisions of this Act.

19

20           Section 3. [*Digital Learning Academy: Creation; Legislative Intent; Goal.*]

21           (A) There is hereby created the [state] digital learning academy, a public school-choice  
22 learning environment which joins the best technology with the best instructional practices. The  
23 [state] digital learning academy is not a single department of state government unto itself, nor is  
24 it a part of any of the [twenty departments] of state government authorized by the [state  
25 constitution]. It is legislative intent that the [state] digital learning academy operate and be  
26 recognized not as a state agency or department, but as a governmental entity whose creation has  
27 been authorized by the state, much in the manner as other single purpose districts.

28           (B) The [legislature] finds that it is in the best public interest to create the [state] digital  
29 learning academy based on findings that indicate:

30           (1) Technology continues to impact all facets of life, including the education of  
31 students of school age and adult learners;

- 32 (2) Systems for delivery of education are as diverse as the learners;  
33 (3) Public school systems are seeking high quality educational choices within the  
34 public system, and are aligning curriculum and assessment with state achievement standards; and  
35 (4) The development of a comprehensive digital learning environment is cost  
36 prohibitive for individual school districts.

37 (C) The goal of the [state] digital learning academy is to provide choice, accessibility,  
38 flexibility, quality and equity in curricular offerings for students in this state.

39  
40 Section 4. [*Academy Board of Directors.*]

41 (A) There is hereby created an academy board of directors which shall be responsible for  
42 the development and oversight of the [state] digital learning academy.

43 (B) The academy board of directors shall be comprised of [eight] voting members and  
44 [one] nonvoting member as follows:

45 (1) [Three] members shall be [superintendents], each elected to a [three] year term  
46 and each representing [two educational classification regions] as established by the [state board  
47 of education]. [One] [superintendent] shall be elected from among the [superintendents] in  
48 regions [one and two] on a rotating term basis between the two regions; [one] [superintendent]  
49 shall be elected from among the [superintendents] in regions [three and four] on a rotating term  
50 basis between the two regions; and [one] [superintendent] shall be elected from among the  
51 [superintendents] in regions [five and six] on a rotating term basis between the two regions;

52 (2) [Two] members shall be high school principals, each elected to a [three] year  
53 term by the [governing body of the state association of secondary school administrators];

54 (3) [Two] members shall be citizens at-large who are not professional educators,  
55 appointed by the members of the academy board, each to a term of [three] years; and

56 (4) The [state superintendent of public instruction] shall be a voting member and  
57 shall serve concurrently with the term of office to which the [state superintendent of public  
58 instruction] is elected;

59 (5) [One] member shall be an ex officio, nonvoting member appointed by the  
60 academy board of directors to serve as secretary to the academy board.

61 (C) For purposes of establishing staggered terms of office, the initial term of office for  
62 the [superintendent] position representing educational classification regions [one and two] shall  
63 be [one] year, and thereafter shall be [three] years. The initial term of office for the  
64 [superintendent] position representing educational classification regions [three and four] shall be  
65 [two] years, and thereafter shall be [three] years. The [superintendent] position representing  
66 educational classification regions [five and six] shall be [three] years. The initial term of office  
67 for [one] high school principal position shall be [one] year and thereafter shall be [three] years,  
68 and the initial term of office for the other high school principal position shall be [two] years and  
69 thereafter shall be [three] years. The initial term of office for [one] member at-large shall be  
70 [one] year and thereafter shall be [three] years, and the term of office for the other member at-  
71 large shall be [three] years.

72 (D) No voting member shall serve for more than [two] consecutive full terms. Members  
73 of the board who are appointed to fill vacancies which occur prior to the expiration of a former  
74 member's full term shall serve the unexpired portion of such term.

75 (E) The academy board shall meet in person at least [three] times [annually]; none of  
76 these [three] meetings shall be conducted by telephone or video conferencing.

77  
78 Section 5. [*Duties of the Academy Board of Directors.*] The [state] digital learning  
79 academy board of directors shall be responsible for ensuring that academy procedures and

80 courses comply with the rules of the [state board of education] and applicable statutes of this  
81 state. In addition, the academy board shall:

82 (1) Recommend policies to be established by rule of the [state board of education] for  
83 effecting the purposes of this Act;

84 (2) Employ or contract with staff as necessary and purchase such supplies and  
85 equipment as are necessary to implement the provisions of this Act, which purchases shall be  
86 exempt from the purchasing laws in [insert citation].

87 (3) Enter into contracts with any other governmental or public agency whereby the  
88 board agrees to render services to or for such agency in exchange for a charge reasonably  
89 calculated to cover the costs of rendering such service.

90 (4) Accept, receive and utilize any gifts, grants or funds and personal and real property  
91 that may be donated to it for the fulfillment of the purposes outlined in this Act.

92 (5) Employ or contract with necessary faculty and teaching staff who are fully  
93 certificated [state] teachers or administrators, to design and deliver planned curriculum content.  
94 The academy shall be exempt from [insert citation]. All teaching and educational staff of the  
95 academy shall be exempt, at will employees. The number of such staff shall largely be dictated  
96 by the number of courses under development, the number of courses offered, and the number of  
97 students participating in academy programs.

98 (6) Obtain housing where actual operations of the academy are conducted by academy  
99 staff.

100 (7) Contract with a service provider for delivery of academy courses online which shall  
101 be accessible twenty-four (24) hours a day, seven (7) days a week.

102 (8) Ensure that the academy is accredited as established by rule of the [state board of  
103 education].

104 (9) Develop policy for earning credit in courses based on mastery of the subject,  
105 demonstrated competency, and meeting the standards set for each course.

106 (10) Provide for articulating the content of certain high school courses with college and  
107 university courses in order to award both high school and undergraduate college credit.

108 (11) Develop policies and practices which provide strict application of time limits for  
109 completion of courses.

110 (12) Develop policies and practices on accountability, both by the student and the  
111 teacher, and in accordance with the provisions of [insert citation].

112 (13) Manage the moneys disbursed to the academy board from the [state superintendent  
113 of public instruction].

114 (14) Set fees charged to school districts for student participation; fees charged for  
115 summer school; and fees charged to students and adults for professional development offerings.

116 (15) Contract with a certified public accounting firm to conduct an annual audit of the  
117 [state] digital learning academy.

118  
119 Section 6. *[State Digital Learning Academy: Governmental Entity; Liability; Insurance.]*

120 (A) The [state] digital learning academy shall be a governmental entity as provided in  
121 Section 3 of this Act. For the purposes of [insert citation], the [state] digital learning academy  
122 created pursuant to this Act shall be deemed a governmental entity. Pursuant to the provisions of  
123 [insert citation], sales to or purchases by the [state] digital learning academy are exempt from  
124 payment of the sales and use tax. The [state] digital learning academy and its board of directors  
125 are subject to the following provisions in the same manner as a traditional public school and the  
126 board of trustees of a school district:

- 127 (1) [Insert citation], about bribery and corrupt influence, except as provided by  
128 [insert citation];  
129 (2) [Insert citation], about prohibitions against contracts with officers;  
130 (3) [Insert citation], about ethics in government;  
131 (4) [Insert citation], about open public meetings; and  
132 (5) [Insert citation], about disclosure of public records.

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

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

139 (D) It shall be unlawful for:

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

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

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

165

166 Section 7. *[Expenditures; Budget.]*

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

171 (B) On or before the first [Monday in July], there will be held at the time and place  
172 determined by the [state] digital learning academy board, a budget meeting and public hearing  
173 upon the proposed budget of the [state] digital learning academy. Notice of the budget meeting  
174 and public hearing shall be posted at least [ten] full days prior to the date of the meeting in at

175 least [one] conspicuous place to be determined by the [state] digital learning academy board of  
176 directors. The place, hour and day of the hearing shall be specified in the notice, as well as the  
177 place where such budget may be examined prior to the hearing. On or before the [first Monday in  
178 July] a budget for the [state] digital learning academy shall be agreed upon and approved by the  
179 majority of the [state] digital learning academy board of directors.

180  
181 Section 8. [*Digital Learning Academy Courses: Development; Brokered; Credit;*  
182 *Accreditation.*]

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

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

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

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

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

199  
200 Section 9. [*Registration and Accountability.*]

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

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

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

217 (D) Policies shall be established by rule of the [state board] for student-related issues  
218 including taking exams, proctored or unproctored; ensuring that the work is being done by the  
219 student; and ensuring that ethical conduct and proper etiquette are always observed by all  
220 participants.

221

222           Section 10. [*Employers -- Members -- Exceptions.*] The [state] digital learning academy  
223 created pursuant to this Act shall be an employer pursuant to the provisions of [insert citation]  
224 concerning the [state public employee retirement system] and [insert citation].  
225

226           Section 11. [*Severability.*] [Insert severability clause.]  
227

228           Section 12. [*Repealer.*] [Insert repealer clause.]  
229

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