

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.]