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July 10, 2013

MEMORANDUM

TO: Legislative Education Study Committee

FR: Kevin Force

RE: STAFF REPORT: VIRTUAL CHARTER SCHOOLS

INTRODUCTION

According to *Keeping Pace with K-12 Online Learning: An Annual Review of Policy and Practice*,¹ in school year 2011-2012 there were virtual charter schools in 31 states serving approximately 275,000 students altogether. In addition, the International Association for K-12 Online Learning (iNACOL) shows that 27 states have operated state virtual schools as of fall 2012, and state virtual schools had about 620,000 course enrollments in school year 2011-2012.² Clearly, virtual education is growing as a feature of charter schools nationwide.

In its *Summary of Research on the Effectiveness of K-12 Online Learning*, iNACOL notes a meta-analysis by the US Department of Education of some 51 online learning studies conducted in 2009. "The overall results . . . found that, on average, students in online learning conditions performed better than those receiving face-to-face instruction."³ iNACOL also notes, however, that these studies compared *both* virtual and blended learning approaches (in which schools use a combination of online and traditional instruction) to the face-to-face learning environment. The iNACOL summary also lists a number of state-specific studies, including one in Florida that

¹ *Keeping Pace* analyzes legislation, enrollment data, and trends in K-12 online and blended learning.

See, <http://kpk12.com/>

² <http://kpk12.com/states/>

³ *A Summary of Research on the Effectiveness of K-12 Online Learning*, Patrick and Powell, August 2009, at http://www.inacol.org/cms/wp-content/uploads/2012/11/iNACOL_ResearchEffectiveness.pdf

found that students in the Florida Virtual School “consistently outperformed their counterparts in Florida’s traditional middle and high schools” on such measures as grades, Advanced Placement scores, and the state’s standards-based assessment.

On the other hand, a recent review by the National Conference of State Legislatures (NCSL) reports: “When only test scores are considered, traditional public schools consistently outperform charter schools nationwide not only in reading and math proficiency of fourth and eighth graders, but also in mean SAT and ACT scores.”⁴ The NCSL report adds that virtual charter schools have historically shown lower levels of achievement than traditional charter schools.

Yet another perspective comes from the National Association of Charter School Authorizers (NACSA): “The formal research is limited, but generally demonstrates that online learning shows no significant difference from traditional physical classrooms Only a selective reading of the audits and studies can lead to a broad conclusion that online charter schools show predominantly good, or bad, outcomes.” NACSA then attempts to redefine the question of the effectiveness of virtual charter schools on student achievement: “Students, parents, educators, and authorizer should ask which types of virtual schools work, under what *conditions*, with which *students*, with which *teachers*, and with what *training*”⁵ (emphasis in the original).

Finally, because virtual schools are a growing part of the public school landscape, educators and policymakers cannot ignore them but instead should anticipate them. As NACSA observes, “Finding the right balance between ensuring quality, and yet not stifling innovation, may be the most difficult challenge that authorizers and policymakers face as they contemplate twenty-first century teaching and learning.”⁶

This staff report reviews previous work conducted by the Legislative Education Study Committee (LESC) regarding virtual charter schools, including:

- a review of the committee’s 2012 interim discussions of virtual charter schools; and
- a discussion of pertinent legislation from the 2013 legislative session.

2012 INTERIM DISCUSSIONS OF VIRTUAL CHARTER SCHOOLS

During the 2012 interim, the LESC discussed a number of potential issues and questions regarding the establishment and administration of virtual charter schools in New Mexico, including:

⁴ *Student Achievement*, Cunningham, June 2012, at

<http://www.ncsl.org/documents/educ/CharterSchoolStudentAchievement.pdf>

⁵ *Issue Brief: An (Updated) Primer on Virtual Charter Schools: Mapping the Electronic Frontier*, Vanourek, NACSA, September 2011, at

http://www.qualitycharters.org/images/stories/publications/Issue_Briefs/NACSA_Cyber_Series_EvergreenIssueBrief.pdf

⁶ *Id*

- The definition of the term “school”:
 - In 2009, the Public Education Commission (PEC) denied three organizations charters for virtual schools, in accordance with the recommendations of the Assistant Secretary of Education at the time.
 - Two of the schools appealed the decision to the Secretary of Public Education, who upheld the denials.
 - Although the PEC denied the applications for other reasons, the Assistant Secretary was concerned with the legality of virtual charter schools in general, and sought a legal opinion from the Charter School Division’s counsel, who opined that:
 - New Mexico law contemplated schools as “brick and mortar” buildings with a physical presence in a particular place, tied to “attendance areas,” with “walk zones,” and “allowable class sizes;”
 - the Legislature could have permitted virtual schools when it passed the *Statewide Cyber Academy Act*, but did not;⁷
 - the charter school applicants seemed to rely upon the Secretary’s authority to create virtual schools,⁸ yet any reading of rule to allow full-time virtual schools would conflict with statutory requirements that schools be physical buildings designed to educate students in a particular place;
 - any waivers granted by the Secretary must be based upon law, and no provision of law appeared to afford the Secretary that authority; and
 - the Secretary did not have the power to waive requirements to allow the operation of a virtual charter school in contravention to the plain meaning of statute.⁹
 - In January 2013, the Public Education Department’s (PED) current General Counsel issued an opinion regarding virtual schools in New Mexico that refuted, point-by-point, the conclusions reached by counsel to the Charter Schools Division in the 2009 opinion discussed above.
- Contractual prohibitions in the *Charter Schools Act*, which state that “the governing body [of a charter school] shall not contract with a for-profit entity for the management of the charter school”:

⁷ In an advisory letter issued on February 19, 2008, the Attorney General reached the same conclusions. In addition, the university study of virtual charter schools in California and Pennsylvania notes that only 10 of the 15 states in which cyber charter schools were operating at the time had explicitly permitted the cyber charter school model.

⁸ The PED rule provides as follows: “Distance learning courses provide an opportunity for schools within the state to expand their course offerings and expand access to learning resources. While distance learning technologies may occasionally be used as full-time educational programming for students in unusual circumstances, asynchronous distance learning shall not be used as a substitute for all direct, face-to-face student and teacher interactions unless approved by the local board of education.”

⁹ In the 2010 legislative session, LESC-sponsored legislation was introduced that addressed the potential issue of virtual charter schools. Such schools were defined as “an educational program that uses a proprietary curriculum and that is designed to deliver more than one-half of the program to the student electronically in the student’s home or other site that is not a public school.” The bill specifically excepted the cyber academy and Innovative Digital Education and Learning-New Mexico from that definition, and prohibited virtual charter schools in New Mexico. Ultimately, action on the bill was postponed indefinitely when the House Rules Committee did not find it to be germane.

- The term “management” is undefined.
- The Memorandum of Understanding (MOU) between K12, Inc. (K12) and the New Mexico Virtual Academy (NMVA) in Farmington, New Mexico’s first virtual charter school, lists a number of administrative tasks that the K12, a private management corporation, will perform, including:
 - recommending various policies for the operation of the Program;
 - exercising a right of first refusal before the school’s governing board makes any third-party procurements for goods or services not covered by the MOU;
 - hiring and screening administrative personnel;
 - hiring teachers;
 - recruiting students and implementing the school’s admissions and enrollment policies;
 - preparing forms, handbooks, policies, and procedures;
 - preparing a proposed annual program budget; and
 - most services related to the administration of the school, excepting management of instruction.
- The role of the chartering authority and the denial and the subsequent reversal of decisions regarding the establishment of virtual charter schools in New Mexico:
 - In New Mexico, there currently exists one locally chartered virtual charter school, the NMVA, administered by K12. A second one, the New Mexico Connections Charter Academy (NMCA), applied to the PEC for a charter, which denied the application. The Academy appealed the PEC’s denial to the Secretary-designate of Public Education, who overturned the decision, prompting the PEC to appeal the decision to District Court, which upheld the Secretary-designate’s decision. The PEC, at their June 6, 2013 hearing, voted to approve NMCA, in accordance with court order, making NMCA New Mexico’s first state-chartered virtual charter school.
 - According to the National Association of Charter School Authorizers (NACSA), “Because of the potential scale involved, authorizing a single high-quality virtual school can provide valuable opportunities to thousands of students – while a single low-quality virtual school can harm thousands.” To emphasize this point, NACSA adds that the potential for cost-savings that virtual charter schools may afford provides “both incentive and opportunity for low-quality operators to *disserve* thousands of students. It is the responsibility of authorizers to carry out due diligence and careful scrutiny to discern the difference”¹⁰ (emphasis in the original).
 - NACSA identifies a number of particular points that chartering authorities should consider in reviewing applications for virtual charter schools, among them:
 - expertise in educational technology: if the chartering authority lacks such expertise, experts in online schooling should be included among those who review the applications;
 - contracts with school management organizations: if the governing board plans to contract with a company for the virtual educational program, the school’s

¹⁰ *Issue Brief: School Quality in the Cloud: Guidelines for Authorizing Virtual Charter Schools*, Lin, NACSA, October 2011, at http://www.qualitycharters.org/images/stories/publications/Issue_Briefs/NACSA_Cyber_Series_MargaretLinIssueBrief.pdf

governing board must have sufficient technological expertise to oversee the operations of the service provider;

- performance record of school replicators: if the application comes from a company with experience elsewhere, authorizers should examine the applicant's track record;
- data management systems and academic reporting: to ensure that the chartering authority can monitor the virtual charter school effectively, there should be a "data bridge" between the authorizer and the school to provide timely information about academics, operations, and finances;
- larger scale: given the capacity of virtual charter schools to expand their services, authorizers should require evidence that, if the school proposes to expand, it can do so without sacrificing student learning; and
- special education services: because virtual charter schools have the same responsibility under the *Individuals with Disabilities Education Act* as other schools, authorizers must ensure that all individualized education programs are modified to accommodate the virtual learning environment and that, in the absence of a traditional school building, other facilities are available for any pull-out services that may be needed.

Finally, the committee reviewed potential areas to address in law to both accommodate and regulate virtual charter schools, including:

- Attendance and school hours. Some states apply their compulsory attendance laws to students in virtual charter schools, but the problem of verifying that the student actually attended instruction and completed the necessary work must still be addressed.
- Teacher Qualifications. It is reasonable to require New Mexico certification for teachers at virtual schools, but should additional requirements, such as an "online teaching endorsement," be applied to such teachers, as well?
- Assessments. How shall assessments for students in a virtual school be proctored and administered? Where and when should the exams take place? Consider the NMVA: its attendant learning center can only accommodate a few students at a time. Should students sit for assessments in staggered administration at the learning center, or can they be proctored at home?
- Academic Accountability. Given that some studies have indicated that students at virtual schools underperform when compared with their peers at more traditional schools, how shall virtual schools be held accountable for the performance of their students? How shall virtual schools be included in the requirements of the *A-F School Grading Act* and accompanying rules?
- Funding. How shall virtual charter schools be factored into the state funding formula and equalization grant? Virtual schools frequently have lower overhead costs. Further, they can potentially draw students from across school districts, other than the one in which they may be located. How will the potential impact on school district funding be addressed and, if necessary, mitigated? What percentage of funding may be held back for administrative costs?
- Audits. How often shall virtual schools perform internal audits, or be subject to external audits? What financial and audit information should be published on a school's website?
- Performance contracts. As noted in the discussion of the MOU between NMVA and K12, the statutory prohibition against school management by a for-profit entity lacks a definition for "management." What activities should a for-profit company be permitted

or disallowed? How much involvement is too much, for purposes of New Mexico statute? Should an authorizing body be made party to such contracts? Under what circumstances might a contract be revoked or suspended? Should contractual negotiations for virtual charter schools be subject to public hearing in appropriate districts?

- Oversight. How often and to whom shall virtual school administrators submit reports on academic progress, attendance and other issues? Where and how shall these reports be made available to the public?

During the December 2012 and January 2013 interim meetings, the committee reviewed a list of policy options from interim meeting discussions and reports, including:

- prohibition of virtual charter schools;
- delayed approval of other virtual charter schools until outstanding questions and issues can be addressed; and
- review of the *Public School Code* and other parts of state law to identify those sections that may affect or be affected by virtual charter schools and amend or repeal them as needed or enact new sections to accommodate and regulate virtual charter schools.

Although the committee did not endorse any specific legislation, a majority of the members voted to delay the approval of virtual charter schools until outstanding issues can be resolved.

LEGISLATION FROM THE 2013 LEGISLATIVE SESSION

The 2013 legislative session saw several bills that would have impacted virtual charter schools in New Mexico, only one of which was endorsed by the LESC, and none of which were signed into law, including:

- HB 392a, *Public Education Commission as Independent*, endorsed by the LESC:
 - removed the Commission's administrative attachment to PED;
 - granted the PEC rulemaking authority;
 - shifted \$375,000 from the program cost allowance, withheld by PED for the administration of charter schools, to PEC;
 - restructured the charter school application and appeal process, so that decisions regarding the authorization of state-chartered charter schools, as well as appeals from decisions regarding the authorization of both state and district-level charter schools, would have been decided by the PEC; and
 - passed both houses, but was vetoed by the Governor, who cited concerns about:
 - separation of powers;
 - interference with the statutorily mandated duties of the Secretary of Public Education; and
 - the application process, which afforded a chartering authority an effective "pocket veto," by interpreting the absence of a ruling on an application for 60 days as a denial of the application.

- CS/CS/HB 460, *School Management Contracts & Charter Boards*:
 - prohibited private entities from managing public schools through contracts with school boards, PED, or charter schools;
 - amended the definition of “start-up school” to restrict the development of such schools to New Mexico residents;
 - limited applications for new charters to New Mexico residents, public postsecondary educational institutions and New Mexico nonprofit organizations;
 - passed both houses, but ultimately was pocket-vetoed.

- *CS/SB 338, *Define Virtual Charter School & Moratorium*, which added a temporary provision to the *Charter Schools Act* establishing a moratorium on initial applications for full-time online charter schools, from June 1, 2013 to May 31, 2014, to allow the LESC and PED time to review outstanding issues and questions regarding the impact of full-time online charter schools, and propose changes to law, if necessary to accommodate and regulate online charters. *CS/SB 338 passed the Senate, but did not leave the House Education Committee.

COMPARISON OF VIRTUAL CHARTER SCHOOL AND ONLINE LEARNING PROVISIONS FROM CO, FL AND AZ

VIRTUAL INSTRUCTION PROGRAM OVERVIEW			
COLORADO	FLORIDA	ARIZONA	NEW MEXICO
<p>Virtual instruction in Colorado currently includes:</p> <ul style="list-style-type: none"> • a state virtual school (CO Online Learning); • 5 fully online multi-district charter schools; • 20 multi-district full-time online schools; • 10 single-district online schools; • 17 single-district online programs, authorized to serve full-time online students; and • 3 single-district supplemental programs. <p>In response to a 2006 audit raising concerns about a lack of oversight of full-time online programs, legislation was passed in 2007, the effects of which included:</p> <ul style="list-style-type: none"> • distinction between single-and multi-district programs, with multi-district programs under greater oversight and requiring state authorization; • requirement that online programs using physical facilities enter into an MOU with the pertinent district; • removal of prohibition on funding online students who were not public school students in the prior year; • the creation of a new division (Unit of Online 	<p>Virtual instruction in Florida includes:</p> <ul style="list-style-type: none"> • Florida Virtual School (FLVS) (the country’s largest public online course provider); • statewide full-time online schools; • district online programs; and • more students enrolled in online courses than in any other state. <p>Beginning in 2009-2010:</p> <ul style="list-style-type: none"> • all 67 Florida school districts offer a full time virtual education option for their students through the District virtual instruction programs (VIPs); • School districts may offer students a number of options for virtual instruction, including: <ul style="list-style-type: none"> ➤ contract with FLVS; ➤ establish a franchise of FLVS; ➤ contract with online learning providers approved by the Department of Education (DOE); ➤ enter into an agreement with another school district for services; ➤ enter into a multi-district agreement; ➤ contract with community colleges; ➤ enter into an agreement with a virtual charter school; or 	<p>Currently, in Arizona:</p> <ul style="list-style-type: none"> • While Arizona has many districts and charters that provide both full-time and supplemental online options, it does not have a state virtual school. • Mesa Distance Learning, however, provides both full-time and supplemental options to 36 districts, and some out-of-state districts. • Any district or charter school can apply to start an online program, and all approved programs can serve any student in the state. • Any student may apply to any provider, or multiple providers in the state. • The number of approved providers has doubled, from 36 in 2010-2011 to 72 in 2012-2013. • There are 20 full-time charter schools approved for online instruction in 2012-2013. • 52 public school districts were approved to offer online courses in 2012, which were primarily supplemental, using a mix of existing providers and courses developed in-house. • Students may take up to three courses from supplemental providers at any time, while a full-time school provides four or more courses. Students are funded to one FTE. 	<p>Currently, in New Mexico:</p> <ul style="list-style-type: none"> • There is a state online school, IDEAL-NM, and several district programs, of which APS’ eCADEMY is the largest. • The state’s first virtual charter school, the New Mexico Virtual Academy, was authorized by Farmington Municipal Schools and opened in fall of 2012. • The NM Public Education Commission (PEC) recently authorized a second virtual charter, the New Mexico Connections Academy, to open in the fall of 2013. <p>IDEAL-NM:</p> <ul style="list-style-type: none"> • IDEAL-NM had 3,816 course enrollments in 2011-2012, an 89% increase over the previous year. However, funding that would have allowed IDEAL-NM to place on-site staff in 10 regional service centers was eliminated. • IDEAL-NM provides a statewide learning management system (LMS) by which online K-12, higher education, and state agency training courses are delivered, referred to as P-20+. • School year 2011-12 is the fourth year of the statewide LMS initiative. School districts may

VIRTUAL INSTRUCTION PROGRAM OVERVIEW

COLORADO	FLORIDA	ARIZONA	NEW MEXICO
<p>Education) within the CO Dept. of Ed to:</p> <ul style="list-style-type: none"> ➤ facilitate certification of multi-district programs; ➤ create quality standards for the online accreditation process; ➤ provide support to parents, students and authorizers. <p>A study authorized by recent legislation included a number of key findings and recommendations:</p> <ul style="list-style-type: none"> • Many students lack access to online courses or blended schools. • Blended learning may lower education costs, but only after significant initial investment. • CO teachers must be highly qualified, but online and blended learning teachers lack preparation or professional development specific to online learning. • Allowing students to choose individual online courses and have the pro rata portion of Per Pupil Revenue (PPR) follow the student to the course provider is the change to digital learning that would have the largest impact on education. • State should work to ensure that broadband access reaches all 178 school districts, especially geographically large rural districts. 	<ul style="list-style-type: none"> ➤ operate their own programs. <p>Beginning in 2011-2012;</p> <ul style="list-style-type: none"> • all but the small school districts are required to offer at least three online options at all levels; • some districts began entering to agreements with other districts to allow their students to enroll in outside VIPs; • while many districts offer their own programs, outside providers can still be used. <p>The Florida Virtual School:</p> <ul style="list-style-type: none"> • grew 22% in 2010-2011 from 2009-2010, with enrollments increasing from nearly 213,000 to 260,000; • employed over 1000 full-time and 100 part-time teachers; and • defines FTE based on course completion and performance rather than seat time. <p>District programs:</p> <ul style="list-style-type: none"> • increased rapidly, from 8 programs in 2008-2009, to 56 in 2011-2012; • in addition to VIPs, serve home schools, private schools and other public schools; • offer individual courses through their VIPs to students in grades 9-12 enrolled in dropout prevention and Department of Juvenile Justice 	<ul style="list-style-type: none"> • Mesa Distance Learning saw an increase of 15% in 2011-2012 from the previous year, delivering over 25,000 courses to both full- and part-time students. • 60% of Mesa’s students were from outside the district boundaries. • Schools participating in Arizona Online Instruction (AOI) must report annually on the program and how student achievement will be measured; a compilation of these reports is submitted to the legislature and governor by each November 15, by the AZ Dept. of Ed. • All students must participate in state assessments, if a student does not do so, and the school has less than 95% participation in assessments, then the student may not continue in the online program. 	<p>use the LMS to create their own courses, or use content developed by IDEAL-NM to teach their own online and/ or blended courses.</p> <ul style="list-style-type: none"> • As of August 2011, 62 of New Mexico’s 85 school districts (73%) use the LMS to create branded web portals to access all of the courses offered by IDEAL-NM at no cost, as well as shared community resources and professional development services. • In addition, IDEAL-NM also provides an eLearning portal that acts as a clearinghouse for online courses and programs offered by New Mexico higher education institutions, K-12, and state agencies. <p>District Online Programs:</p> <ul style="list-style-type: none"> • School districts offering online programs include Albuquerque, Rio Rancho, Hobbs, Taos, and Roy, as well as the Gilbert L. Sena Charter High School, which switched from a commercial online provider to the IDEAL-NM portal, LMS, and courses. • Albuquerque Public Schools’ eCADEMY is an alternative school with a comprehensive blended learning program serving K-12 students using IDEAL-NM, the National Repository for Online Courses (NROC), and self-developed content. <p>Additionally, NM’s distance learning rules (6.30.8 NMAC):</p>

VIRTUAL INSTRUCTION PROGRAM OVERVIEW

COLORADO	FLORIDA	ARIZONA	NEW MEXICO
	<p>programs, as well as offering core courses and community college courses; and</p> <ul style="list-style-type: none"> • are funded (like virtual charters) through the Florida Education Finance Program, based on successful completions, which are defined as: <ul style="list-style-type: none"> ➤ grade promotion, for K-5; ➤ course completion with passing grade, for 6-8; and ➤ credits earned, for 9-12. <p>District programs and virtual charters:</p> <ul style="list-style-type: none"> • must provide students with the necessary instructional materials and, when appropriate, equipment and Internet access necessary to participate; and • must be approved by the DOE. <p>All online programs abide by the following quality assurance guidelines:</p> <ul style="list-style-type: none"> • Instructional staff must be FL-certified, and curriculum and course content aligned to state standards. • Virtual instruction online programs must meet iNACOL standards. • All programs must participate in the state assessment program and the education performance accountability system; • Districts will receive a school grade and a provider’s contract will be terminated if it receives a grade of “D” or “F” for two years of 		<ul style="list-style-type: none"> • establish requirements for programs taken for credit by students enrolled in a school district or a charter school; • implement the IDEAL-NM program; • allow public schools to provide courses to students in any district, so long as there are written agreements between hosts and resident districts; and • stipulates that the local school where a student is enrolled approves and registers students for online courses, and pays course fees. <p>Further:</p> <ul style="list-style-type: none"> • The <i>A-F School Ratings Act</i>, and its implementing rules, allow students in failing schools to choose online alternatives. • At least one of the 24 units required for high school graduation must be an Advanced Placement, honors, dual credit or distance learning course. • The issue of funding online schools in NM is largely unaddressed by law, with students in virtual schools being funded as students in traditional brick-and-mortar schools.

VIRTUAL INSTRUCTION PROGRAM OVERVIEW

COLORADO	FLORIDA	ARIZONA	NEW MEXICO
	any four-year period. Additionally: <ul style="list-style-type: none"> • Full-time online charter schools are now authorized, if they sue DOE-approved program providers and serve only students within their district. • Beginning with 9th grade students in 2011-2012, all students must take an online course in order to graduate high school. • By 2014-2015, all statewide assessments must be administered online. 		

COMPARISON of VIRTUAL INSTRUCTION PROVISIONS

DEFINITIONS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Charter school	A “charter school” is a public school that operates pursuant to a charter contract entered into pursuant to the provisions of article 30.5 of this title. As used in this title, unless the context otherwise requires, "charter school" includes any type of charter school created pursuant to the provisions of article 30.5 of this title. <i>CRS 22-1-101(2)</i>		"Charter school" means a public school established by contract with a district governing board, the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district with enrollment of more than fifteen thousand full-time equivalent students or a group of community college districts with a combined enrollment of more than fifteen thousand full-time equivalent students pursuant to article 8 [Charter Schools]of this chapter to provide learning that will improve pupil	<ul style="list-style-type: none"> • Separate definition for “virtual charter school.” • Consider an exemption or clarification of the current definition of charter school to allow or disallow virtual charters. • Consider creation of single, statewide administered virtual charter school. (Chapter 22, Article 12 NMSA)

COMPARISON of VIRTUAL INSTRUCTION PROVISIONS				
DEFINITIONS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
			achievement. <i>ARS 15-101(4)</i>	
Full time student	A full time student must have a schedule that provides for a minimum of three hundred and sixty (360) hours of instruction per semester to receive full-time funding under the <i>Public School Finance Act. 1 CCR 301-71.8.04</i>	A “full-time student” is one student on the membership roll of one school program or a combination of school programs listed in § 1011.62(1)(c) for the school year or the equivalent for: <ul style="list-style-type: none"> • Instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program; • Instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3; or • Instruction comprising the appropriate number of net hours set forth in either of the above for students who, within the past year, have moved with their parents for the purpose of engaging in the farm labor or fish industries, if a plan furnishing such an extended school 	"Full-time (online) student" means: <ul style="list-style-type: none"> • A student who is at least five years of age before September 1 of a school year and who is enrolled in a school kindergarten program that meets at least three hundred forty six hours during the school year. • A student who is at least six years of age before September 1 of a school year, who has not graduated from the highest grade taught in the school and who is regularly enrolled in a course of study required by the state board of education. For first, second and third grade students, the instructional program shall meet at least seven hundred twelve hours. For fourth, fifth and sixth grade students, the instructional program shall meet at least eight hundred ninety hours during the school year. • Seventh and eighth grade students or ungraded students who are at least twelve, but under fourteen, years of age on or before September 1 and who are enrolled in an instructional program of courses that meets at least one thousand sixty-eight hours during the school year. • For high schools, except as provided 	<ul style="list-style-type: none"> • Require compliance with compulsory attendance laws. • Consider adjusting required hours to better reflect the more flexible nature of an entirely virtual school.
Full time student, con.				

COMPARISON of VIRTUAL INSTRUCTION PROVISIONS				
DEFINITIONS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
		<p>day or week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan described in this subparagraph is optional for any school district and is not mandated by the state.</p> <p><i>1011.61(1)(a) Fla. Stat.</i></p>	<p>in section 15-105 [early graduation], a student not graduated from the highest grade taught in the school district, or an ungraded student at least fourteen years of age on or before September 1, and who is enrolled in at least four courses throughout the year that meet at least nine hundred hours during the school year. A full-time student shall not be counted more than once for computation of average daily membership. <i>ARS 15-808(H)(1)</i></p>	
<p>Online school</p> <p>Online school, con.</p>	<p>"On-line school" means a full-time, on-line education school authorized pursuant to this article that delivers a sequential program of synchronous or asynchronous instruction from a teacher to a student primarily through the use of the internet. An on-line school has an assigned school code and operates with its own administrator, a separate budget, and a complete instructional program. An on-line school is responsible for fulfilling all reporting requirements and will be held to state and federally mandated accountability processes.</p> <p><i>CRS 22-30.7-102(9.5)</i></p>		<p>"Online school" means a school that provides at least four online academic courses or one or more online courses for the equivalent of at least five hours each day for one hundred eighty school days and that is a charter school that is sponsored by the state board for charter schools or a traditional public school that is selected by the state board of education to participate in Arizona online instruction. <i>ARS 15-808(H)(3)</i></p> <p>"Online course provider" means a school other than an online school that is selected by the state board of education or the state board for charter schools to participate in Arizona online</p>	<ul style="list-style-type: none"> • Separate definition for "online" or "virtual" charter school. • Consider separate definition for "online school" to reflect possibility of statewide virtual school.

COMPARISON of VIRTUAL INSTRUCTION PROVISIONS				
DEFINITIONS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
			instruction pursuant to this section and that provides at least one online academic course that is approved by the state board of education. <i>ARS 15-808(H)(2)</i>	
Part time student	A part time student must have a schedule that provides for a minimum of ninety (90) hours of instruction per semester to receive part-time funding pursuant to <i>Public School Finance Act. 1 CCR 301-71.8.05</i>	A “part-time student” is a student on the active membership roll of a school program or combination of school programs listed in s. <i>1011.62(1)(c)</i> who is less than a full-time student. <i>1011.61(1)(b) Fla. Stat.</i>	<p>"Part-time (online)student" means:</p> <ul style="list-style-type: none"> • Any student who is enrolled in a program that does not meet the definition [of “full-time student] of this subsection shall be funded at eighty-five per cent of the base support level that would be calculated for that pupil if that pupil were enrolled as a part-time student in a school district or charter school that does not participate in Arizona online instruction. • A part-time student of seventy-five per cent average daily membership shall be enrolled in at least three subjects throughout the year that offer for first, second and third grade students at least five hundred thirty-four instructional hours in a school year and for fourth, fifth and sixth grade students at least six hundred sixty-eight instructional hours in a school year. A part-time student of fifty per cent average daily membership shall be enrolled in at least two subjects throughout the year that offer for first, second and 	
Part time				

COMPARISON of VIRTUAL INSTRUCTION PROVISIONS				
DEFINITIONS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
student, con.			<p>third grade students at least three hundred fifty-six instructional hours in a school year and for fourth, fifth and sixth grade students at least four hundred forty-five instructional hours in a school year. A part-time student of twenty-five per cent average daily membership shall be enrolled in at least one subject throughout the year that offers for first, second and third grade students at least one hundred seventy-eight instructional hours in a school year and for fourth, fifth and sixth grade students at least two hundred twenty-three instructional hours in a school year.</p> <ul style="list-style-type: none"> • For seventh and eighth grade students, a part-time student of seventy-five per cent average daily membership shall be enrolled in at least three subjects throughout the year that offer at least eight hundred one instructional hours in a school year. A part-time student of fifty per cent average daily membership shall be enrolled in at least two subjects throughout the year that offer at least five hundred thirty-four instructional hours in a school year. A part-time student of twenty-five per cent average daily membership shall be enrolled in at least one subject throughout the year that offers at least two hundred sixty-seven 	

COMPARISON of VIRTUAL INSTRUCTION PROVISIONS				
DEFINITIONS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Part time student, con.			<p>instructional hours in a school year.</p> <ul style="list-style-type: none"> For high school students, a part-time student of seventy-five per cent average daily membership shall be enrolled in at least three subjects throughout the year that offer at least six hundred seventy-five instructional hours in a school year. A part-time student of fifty per cent average daily membership shall be enrolled in at least two subjects throughout the year that offer at least four hundred fifty instructional hours in a school year. A part-time student of twenty-five per cent average daily membership shall be enrolled in at least one subject throughout the year that offers at least two hundred twenty-five instructional hours in a school year. <p><i>ARS 15-808(H)(4)</i></p>	
Private school	"Private school" means a primary or secondary educational institution for students in kindergarten through twelfth grade or any portion thereof that may or may not have attained nonprofit status, that does not receive state funding through the " <i>Public School Finance Act of 1994</i> ", and that is supported in whole or in part by tuition payments or private donations.	A "private school" is a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides	"Private school" means a nonpublic institution where instruction is imparted. <i>ARS 15-101(19)</i>	

COMPARISON of VIRTUAL INSTRUCTION PROVISIONS				
DEFINITIONS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Private school, con.	CRS 22-30.5-103(6.5)	instructional services that meet the intent of s. 1003.01(13) ["regular school attendance"] or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with § 1002.41 [home schooling]. 1002-01(2) Fla. Stat.		
Public School	A "public school" is a school that derives its support, in whole or in part, from moneys raised by a general state, county, or district tax. CRS 22-1-101(1)			<ul style="list-style-type: none"> Consider amending NM definition to resolve ambiguity in re: brick-and-mortar presence and either include or exclude (with separate definition) virtual charter schools.
School School, con.		"School" means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education. 1003-01(2) Fla. Stat.	"School" means any public institution established for the purposes of offering instruction to pupils in programs for preschool children with disabilities, kindergarten programs or any combination of grades one through	<ul style="list-style-type: none"> Consider amending NM definition to resolve ambiguity in re: brick-and-mortar presence and either include or exclude (with separate definition) virtual charter schools.

COMPARISON of VIRTUAL INSTRUCTION PROVISIONS				
DEFINITIONS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
			twelve. <i>ARS 15-101(20)</i>	

PROGRAM REQUIREMENTS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Attendance, school hours	<p>Students are subject to compulsory school attendance; deemed to comply with requirements by participation in online program/school. <i>CRS 22-30.7-105(2)(a)</i></p> <p>Online programs must have policies for tracking attendance, participation and truancy, including documentation of teacher/student interaction. <i>1 CCR 301-71.3.02.9</i></p> <p>Pursuant to compulsory school attendance (§22-30.7-105(2)(a) C.R.S.), an Online Program must be able to document active participation in an online sequential educational program and individual student attendance in the Online Program during the official count window. Documentation of active participation must include system logins that make evident each student taking part in course content in the online educational program via the internet. Logins must show that</p>	<p>Mandate compliance with compulsory attendance requirements. Attendance must be verified by district. <i>1002.45(6)(a) Fla. Stat.</i></p>	<p>No reference to attendance in VCS statute (<i>ARS 15-808</i>), but entirety of Ch. 8 is "School Attendance," so that applies. However, no compliance mechanism in VCS statute. <i>ARS 15-808</i></p> <p>Also, "Each school selected for Arizona online instruction shall ensure that a daily log is maintained for each pupil who participates in Arizona online instruction. The daily log shall describe the amount of time spent by each pupil participating in Arizona online instruction pursuant to this section on academic tasks. The daily log shall be used by the school district or charter school to qualify the pupils who participate in Arizona online instruction in the school's average daily attendance calculations pursuant to subsection F (Funding calculations) of this section." <i>ARS 15-808(E)</i></p>	<ul style="list-style-type: none"> • Mandate compliance with compulsory attendance laws, with some kind of verification of authentic attendance. (E.g.: unique ID used for log-in; require chartering authority to verify log-on and participation; a daily log of assignments, discussion, time spent online, etc.) • Consider requiring periodic in-person conferences and assessments, or conferences by Skype. • Consider requiring some kind of synchronous class requirement with a discussion component, as in chat-rooms, for example. • Possible automatic disenrollment for a certain number of consecutive absences or absences within a certain period of time.

PROGRAM REQUIREMENTS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Attendance, school hours, con.	<p>the student was online on the official count date (October 1) or if the student is absent on the official count date, there must be a login prior to the official count date and within thirty days following. <i>1 CCR 301-71(8.01)</i></p> <p>Examples of valid documentation include:</p> <ul style="list-style-type: none"> • 8.01.1.1 Student management system login including student name, date, time, and documentation that specifically addresses course content and student work; • 8.01.1.2 Student management system login including student name, date, time, with a corresponding email documenting specific course content and student work; and • 8.01.1.3 Student management system login including student name, date, time, with corresponding documentation of instant messaging, or web conferencing with specific course content and student work. <i>1 CCR 301-71(8.01)</i> 			
Graduation Requirements	Must meet all statutory requirements.	To be approved for online instruction,	No reference in VCS statute. But	<ul style="list-style-type: none"> • Require compliance with all statutory graduation requirements,

PROGRAM REQUIREMENTS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Graduation Requirements, con.	<p>1 CCR 301.71.(3.02.5)</p> <ul style="list-style-type: none"> • CDE recently adopted guidelines for graduation requirements as mandated under 22-2-106 CRS.¹ • Districts must adhere to these requirements at minimum, but may develop more rigorous requirements. 	<p>provider must document instructional and curricular quality including mechanisms to ensure students satisfy graduation requirements or grade promotion. 1002-45(2)(a)(6)(c) Fla. Stat.</p> <p>All contracts with approved providers must provide a method for determining students have satisfied requirements for graduation. 1002-45(4)(b) Fla. Stat.</p>	<p>considerations of academic integrity in that statute probably would include graduation requirements for common schools, as laid out in ARS 15-701.01</p>	<p>including all assessments.</p> <ul style="list-style-type: none"> • Require successful completion of end-of-course exams.
Teacher qualifications	<p>“Teacher” means any person who holds a Teacher’s license issued pursuant to the provisions of the <i>Colorado Educator Licensing Act</i> and who is employed to instruct, direct, or supervise the instructional program. “Teacher” includes those persons employed by a charter school as a Teacher pursuant to a waiver granted to the charter school by the State Board pursuant to §22-30.5-105(3), C.R.S., or who are employed by a school district as a Teacher pursuant to a waiver granted to a school district pursuant to §22-2-117. C.R.S. 1 CCR 301-71.2.16</p>	<p>To be approved by the department, a provider must document that it requires all instructional staff to be Florida-certified teachers under [school personnel provisions of]chapter 1012, and conducts background screenings for all employees or contracted personnel, as required by § 1012.32, using state and national criminal history records. 1002-45(2)(a)(3)</p>	<p>The state board of education and the state board for charter schools shall jointly develop standards for the approval of online course providers and online schools based on the following criteri[on]:</p> <p>The variety of educational methodologies employed by the school and the means of addressing the unique needs and learning styles of targeted pupil populations, including computer assisted learning systems, virtual classrooms, virtual laboratories, electronic field trips, electronic mail, virtual tutoring, online help desk, group chat sessions and noncomputer based activities performed under the direction of a certificated teacher. ARS 15-808(A)(2)</p>	<ul style="list-style-type: none"> • Require all teachers of virtual charter schools to be NM certified. • Require “online endorsement” of teaching license to teach at NM virtual charter schools.² • Require regular reports to school leader or other authority, summarizing student work, achievement, scores and attendance. • Teachers should be available for, and require, periodic in-person meetings, or meetings via Skype.

¹ Colorado Guidelines for Graduation Requirements: <http://www.cde.state.co.us/SecondaryInitiatives/downloads/AdoptedGraduationGuidelines2013.pdf>

² For example, Idaho, which has both a statewide virtual charter as well as seven individual virtual charters, requires online teachers to meet 10 core proficiencies to receive online endorsement, which enhances their credentials. This endorsement, however, is not required to teach in an online setting in Idaho. (Please see: http://www.sde.idaho.gov/site/forms/augDocs/Online_Teaching_Standards_OSBE.pdf)

ASSESSMENTS & ACADEMIC ACCOUNTABILITY

ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Assessments	<p>Each student participating in an on-line program or on-line school shall be subject to the statewide assessments administered pursuant to section 22-7-409. <i>CRS 22-30.7-105.2(b)</i></p>	<p>Each student enrolled in a virtual instruction program or virtual charter school must: Take state assessment tests within the school district in which such student resides, which must provide the student with access to the district’s testing facilities. <i>1002-45(6)(b) Fla. Stat.</i></p>	<p>To ensure the academic integrity of pupils who participate in online instruction, Arizona online instruction shall include multiple diverse assessment measures and the proctored administration of required state standardized tests. <i>ARS 15-808(H).</i></p> <p><i>See Also, Tile 7, Chapter 2, Article 6 AAC for general teaching certification requirements.</i></p>	<ul style="list-style-type: none"> • Require participation in all NM SBAs. • Require additional periodic assessments for virtual students. • Require presence at learning center, school district, etc. for assessments to ensure that they are properly proctored.
Academic accountability	<p>The provisions of the <i>Education Accountability Act of 2009</i> (Title 22, article 11) applies to online schools. <i>CRS 22-30.7-105(2)(d)</i></p> <p>An on-line program or on-line school that is administered pursuant to the provisions of this article shall satisfy the quality standards established by rules promulgated by the state board to this section (3). <i>CRS 22-30.7-105(3).</i></p> <p>(See, 1 CCR 301-71 Rules for the administration , certification and oversight of Colorado online programs.) Must include, but not</p>	<p>Each approved provider must receive a school grade or a school improvement rating, as applicable. The school grade or school improvement rating received shall be based upon the aggregated assessment scores of all students served by the provider statewide. The department shall publish the grade or improvement rating received by each approved provider on its website. The department shall develop an evaluation method for providers of part-time programs which includes the percentage of students making learning gains, the percentage of students successfully passing any required end-</p>	<p>Each new school shall provide online instruction on a probationary status. After a new school that provides online instruction has clearly demonstrated the academic integrity of its instruction through the actual improvement of the academic performance of its students, the school may apply to be removed from probationary status. The state board of education or the state board for charter schools shall remove from Arizona online instruction any probationary school that fails to clearly demonstrate improvement in academic performance within three years measured against goals in the approved</p>	<ul style="list-style-type: none"> • Any virtual charter school must be subject to <i>A-F School Grading Act</i> and Department regulations, perhaps amended to reflect different circumstances of entirely virtual schools. • Consider limitations on class size to give teachers time to get meaningful feedback to students and to meet any enhance reporting requirements for virtual charter schools. • Consider additional, or amended, qualifications for certification by PEC as charter school.

ASSESSMENTS & ACADEMIC ACCOUNTABILITY

ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
<p>Academic Accountability, con.</p>	<p>limited to, quality standards in these areas:</p> <ul style="list-style-type: none"> • An on-line program's or on-line school's governance, vision, and organization; • Standards-based curricula and data-driven instructional practices; • Technological capacity and support; • Internet safety; • Sound financial and accounting practices and resources; • Student academic performance and improvement; • Monitoring and assessment of student academic performance and improvement; • Course completion measurements; • Attendance tracking procedures; • Data analysis, management, and reporting; • Guidance counseling; • Engagement of parents and communities in on-line programs and on-line schools; • Provisions for students with special needs, including gifted and talented students and English language learners; and • Program evaluation and improvement. <i>CRS 22-30. 7-105(3)(b)</i> 	<p>of-course assessment, the percentage of students taking Advanced Placement examinations, and the percentage of students scoring 3 or higher on an Advanced Placement examination.</p> <p>An approved provider that receives a school grade of “D” or “F or a school improvement rating of “Declining” must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.</p> <p>An approved provider’s contract must be terminated if the provider receives a school grade of “D” or “F” or a school improvement rating of “Declining” for 2 years during any consecutive 4-year period or has violated any qualification requirement. A provider that has a contract terminated under this paragraph may not be an approved provider for a period of at least 1 year after the date upon which the contract was terminated and until the department determines that the provider is in compliance with qualification requirements and has corrected each cause of the provider’s low performance. <i>1002.45(8) Fla. Stat.</i></p>	<p>application and the state's accountability system. The state board of education and the state board for charter schools shall review the effectiveness of each participating school and other information that is contained in the annual report prescribed in subsection D of this section. All pupils who participate in Arizona online instruction shall reside in this state. Pupils who participate in Arizona online instruction are subject to the testing requirements prescribed in chapter 7, article 3 (Assessment and Accountability) of this title. Upon enrollment, the school shall notify the parents or guardians of the pupil of the state testing requirements. If a pupil fails to comply with the testing requirements and the school administers the tests pursuant to this subsection to less than ninety-five per cent of the pupils in Arizona online instruction, the pupil shall not be allowed to participate in Arizona online instruction. <i>ARS 15-808(B)</i></p>	
<p>Academic Accountability, con.</p>				

FUNDING & AUDITS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Funding	<p>A school district that is providing a single-district on-line program or on-line school, or a school district in which a district charter school is providing a single-district on-line program or on-line school, shall include each student, as of the pupil enrollment count day of the applicable budget year, in the school district's pupil enrollment for the applicable budget year and shall receive the school district's per-pupil funding for each student enrolled in the single-district program or school.</p> <p>An institute charter school that is providing a single-district on-line program or on-line school shall include each student who is enrolled in the program or school, as of the pupil enrollment count day of the applicable budget year, in the institute charter school's pupil enrollment for the applicable budget year and shall receive the per-pupil funding of the institute charter school's accounting district for each student enrolled in the single-district program or on-line school.</p> <p>A school district that is providing a multi-district on-line school, or a school district in which a district</p>	<p>Students enrolled in a virtual charter school are funded through the Florida Education Finance Program under the General Appropriations Act. (But this money may not be provided for the purpose of fulfilling class size requirements in §§ 1003.03 and 1011.685.)</p> <p>Beginning in the 2014-2015 fiscal year, when [the Statewide Assessment Program] is implemented, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment shall be adjusted after the student completes the end-of-course assessment.</p> <p>The school district providing virtual instruction shall report full-time equivalent students for a virtual charter school to the department in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program. <i>1002-45(7) Fla. Stat.</i></p> <p>Each virtual charter may enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school</p>	<p>A pupil who is enrolled full-time in Arizona online instruction shall be funded for online instruction at ninety-five per cent of the base support level that would be calculated for that pupil if that pupil were enrolled as a full-time student in a school district or charter school that does not participate in Arizona online instruction. Additional assistance, capital outlay revenue limit and soft capital allocation limit shall be calculated in the same manner they would be calculated if the student were enrolled in a district or charter school that does not participate in Arizona online instruction.</p> <p>A pupil who is enrolled part-time in Arizona online instruction shall be funded for online instruction at eighty-five per cent of the base support level that would be calculated for that pupil if that pupil were enrolled as a part-time student in a school district or charter school that does not participate in Arizona online instruction. Additional assistance, capital outlay revenue limit and soft capital allocation limit shall be calculated in the same manner they would be calculated if the student were enrolled in a district or charter school that does not participate in Arizona</p>	<ul style="list-style-type: none"> • Consider funding virtual charters at a lower rate than other public schools to reflect lower overhead expenditures. • Consider what percentage of award may be held back for administrative costs. • In the case of a single statewide virtual charter, consider directing that some funds be held over for services provided by the districts, such as proctoring assessments and providing meeting locations. • Consider funding virtual charters based on outcomes, such as successful course completion as demonstrated by passing end-of-course examinations. • Consider reduction in rate of available lease assistance to virtual charters that is more reflective of their actual physical requirements rather than relying solely on student membership to determine awards. • In the case of a statewide virtual charter school, consider issue of lack of connectivity/access to students in more rural parts of the state.

FUNDING & AUDITS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
Funding, con.	<p>charter school is providing a multi-district on-line school, shall include each student who is enrolled in the multi-district on-line school, as of the pupil enrollment count day of the applicable budget year, in the school district's on-line pupil enrollment for the applicable budget year and shall receive on-line funding, as specified in section 22-54-104 (4.5).</p> <p>An institute charter school that is providing a multi-district on-line school shall include each student who is enrolled in the multi-district on-line school, as of the pupil enrollment count day of the applicable budget year, in the institute charter school's on-line enrollment for the applicable budget year and shall receive on-line funding, as specified in section 22-54-104 (4.5).</p> <p>The general assembly hereby finds and declares that, for purposes of section 17 of article IX of the state constitution, providing funding to the on-line division for on-line education is a permissible use of the moneys in the state education fund because they are being used for accountable education reform, for accountable programs to meet state academic standards, for class-size reduction, for expanding technology education, and for</p>	<p>district's virtual instruction program. The agreement must indicate a process for reporting of student enrollment and the transfer of funds required by 1002-45(7)(f). <i>1002-45(1)(d)(3) Fla. Stat.</i></p> <p>Each school district shall provide to the department by October 1, a copy of each contract and the amounts paid per unweighted full-time equivalent student for services procured pursuant to paragraph (c).</p> <p>Each school district shall expend the difference in funds provided for a student participating in the school district virtual instruction program and the price paid for contracted services procured under paragraph (c) for the district's local instructional improvement system pursuant to § 1006.281 or other technological tools that are required to access electronic and digital instructional materials. <i>1002-45(1)(d)(3) Fla. Stat.</i></p>	<p>online instruction. <i>ARS 15-808(F)</i></p>	
Funding, con.				

FUNDING & AUDITS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
	accountability reporting as authorized by section 17 (4) (b) of article IX of the state constitution. <i>CRS 22-30.7-107</i>			
Audits	<p>Each Online Program shall submit to its Authorizer an annual financial and accounting report, which the Authorizer shall submit to the Department on or before December 31st of each year, or up to sixty days later, if an extension is requested. Said report shall be submitted in accordance with 1 CCR 301-39, Amended Rules for Administration of Public School Finance. <i>1 CCR 301-71.6.01</i></p> <p>Online Programs that are charter schools and already submit the financial information required for charter schools may submit a single financial report to satisfy requirements for both charter schools and Online Programs. <i>1 CCR 301-71.6.02</i></p>	To be approved by the department, a provider must document that it performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles. <i>1002-45(2)(a)(9) Fla. Stat.</i>	See Title 7, Chapter 5, Article 5 AAC for general audit requirements for charter schools.	<ul style="list-style-type: none"> • Require annual submission of internal audit and other financial disclosure to the department or commission, or submission to audit by department or department-approved contractor, or both. • Require publication on school website all final audit reports. • Require more frequent (quarterly?) financial disclosure on website of moneys in and out, from whom, for what, etc.

CONTRACTS, OVERSIGHT & REPORTS				
ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
		To provide students with the option of participating in virtual instruction programs as required by paragraph (b),		In addition to elements already required for charter schools operations, consider other required elements particular to virtual charter schools.

CONTRACTS, OVERSIGHT & REPORTS

ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
<p>Performance contracts, con.</p>		<p>the school district under §1002.33 [charter schools].</p> <p>Contracts under 1. or 2. may include multidistrict contractual arrangements that may be executed by a regional consortium for its member districts. A multidistrict contractual arrangement or an agreement under 3. is not subject to § 1001.42(4)(d) and does not require the participating school districts to be contiguous. These arrangements may be used to fulfill the requirements of paragraph (b) [sparsity supplement]. <i>1002-45(1)(c) Fla. Stat.</i></p> <p>A virtual charter school may provide full-time virtual instruction for students in kindergarten through grade 12 if the virtual charter school has a charter authorizing full-time virtual instruction.</p> <p>A virtual charter school may:</p> <ol style="list-style-type: none"> 1. Contract with the Florida Virtual School. 2. Contract with an approved provider under subsection (2). 3. Enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The agreement must indicate a process for reporting of student 		<p>pertinent provisions of the <i>Public School Code</i> should be expected to mitigate this possibility.</p>

CONTRACTS, OVERSIGHT & REPORTS

ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
<p>Performance contracts, con.</p>		<p>enrollment and the transfer of funds required by paragraph (7)(f). <i>1002-45(1)(d) Fla. Stat.</i></p> <p>Each school district shall provide to the department by October 1 a copy of each contract and the amounts paid per unweighted full-time equivalent student for services procured under paragraph (c). <i>1002-45(1)(e) Fla. Stat.</i></p> <p>CONTRACT REQUIREMENTS.—Each contract with an approved provider must at minimum:</p> <ul style="list-style-type: none"> • Set forth a detailed curriculum plan that illustrates how students will be provided services and be measured for attainment of proficiency in the Next Generation Sunshine State Standards for each grade level and subject. • Provide a method for determining that a student has satisfied the requirements for graduation in §§ <u>1003.428</u>, <u>1003.43</u> (general graduation requirements) or <u>1003.429</u> (accelerated graduation requirements) if the contract is for the provision of a full-time virtual instruction program to students in grades 9 through 12. • Specify a method for resolving conflicts among the parties. • Specify authorized reasons for termination of the contract. 		

CONTRACTS, OVERSIGHT & REPORTS

ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
		<ul style="list-style-type: none"> • Require the approved provider to be responsible for all debts of the virtual instruction program if the contract is not renewed or is terminated. • Require the approved provider to comply with all requirements of this section. <i>1002-45(4) Fla. Stat.</i> 		
<p>Oversight, reports</p>	<p>Each on-line program and on-line school shall annually submit to its authorizer and to the department information, pursuant to state board rules, concerning sound financial and accounting practices and resources. A multi-district on-line school shall notify its authorizer and the department of any intent to amend the program's or school's application for certification, which shall include any intent to expand grade levels served by the program or school, any intent to change education service providers, or other intended changes, as defined by</p>	<p>To be approved by the department, a provider must document that it publishes for the general public, as part of its application as a provider and in all contracts negotiated pursuant to this section:</p> <ul style="list-style-type: none"> • Information and data about the curriculum of each full-time and part-time program. • School policies and procedures. • Certification status and physical location of all administrative and instructional personnel. • Hours and times of availability of instructional personnel. 	<p>Beginning July 1, 2010, the state board of education and the state board for charter schools shall develop annual reporting mechanisms for schools that participate in Arizona online instruction.</p> <p>The department of education shall compile the information submitted in the annual reports by schools participating in Arizona online instruction. The department of education shall submit the compiled report to the governor, the speaker of the house. <i>ARS 15-808(C) and (D)</i></p>	<ul style="list-style-type: none"> • Require regular reports on academic progress, attendance, etc. • Require that any such reports be published on the school website and sent to the parents of virtual school students. • Require a NM certified school leader to oversee personnel decisions, including observations and evaluations.

CONTRACTS, OVERSIGHT & REPORTS

ISSUE	COLORADO	FLORIDA	ARIZONA	NEW MEXICO OPTIONS
<p>Oversight, reports, con.</p>	<p>the state board. If the department concludes that the on-line program or on-line school should not be permitted to amend its application for certification, based on the quality standards established by the state, the department shall notify the authorizer and the on-line program or on-line school of its decision within thirty days of receiving the notification from the program or school. The authorizer shall then have thirty days to appeal the department's decision to the state board, pursuant to the state board's administrative policies. <i>CRS 22-30.7-109.5</i></p>	<ul style="list-style-type: none"> • Student-teacher ratios. • Student completion and promotion rates. • Student, educator, and school performance accountability outcomes. <i>1002-45(2)(a)(7) Fla. Stat.</i> 		

LESC

July 10, 2013



- Charter school authorized by the Farmington Municipal School District; Governing Council comprised of local leaders and business owners
- Serves 500 students in grades 6-11 (adding grade 12 for 2013-14 school year)
- New Mexico certified, highly qualified teachers deliver and guide instruction
- Drop-in learning center in Farmington can accommodate 45 students; approximately 12 students attended the learning center on a daily basis in 2012-13
- Students take all state assessments
- Students must meet state standards and district/state graduation requirements
- Students must receive special services and accommodations as required by laws and IEPs
- Students must demonstrate attendance/engagement consistent with state laws and regulations
- Instructional model utilizes the K12 curriculum

Ethnicity:

- 89% white
- 6% American Indian
- 4% African American

Special populations:

- 15% special education
- 36% free/reduced lunch eligible
- 4% gifted and talented

Prior school enrollment:

- 58% previously attended district/charter public schools
- 31% previously participated in a home school

Grade level distribution

- 71% of students are enrolled in middle school
- 29% of students are enrolled in high school
- 8th grade is the largest and 11th grade is the smallest

NMVA students live in 73 communities and in 30 counties throughout the state.

Seventy-five percent of NMVA students reside in seven counties:

28%	Bernalillo
13%	Sandoval
11%	San Juan
8%	Valencia
5%	Chaves
5%	Dona Ana
5%	Santa Fe

NMVA faculty/leaders/administrators also reside throughout the state and near NMVA students:

Farmington, Bloomfield, Raton, Roswell, Rio Rancho, Alamogordo, Las Cruces, Santa Fe, Socorro and Albuquerque

NMVA students are re-registering at a rate of 81%

NMVA currently has a waiting list of 200 students, post lottery

Top reasons for withdrawal in 2012-13:

- Moved out of state
- Time commitment/organization/skills
- School attendance/progress policies
- Seeking a GED

Withdrawal rates vary between middle and high school (start of school to end of school year 2012-13):

- Overall withdrawal rate of 29.8%
- Middle school withdrawal rate of 17%
- High school withdrawal rate of 51.6%

Instructional Overview

Grades 6-8

- Learning coaches work closely with New Mexico-licensed teachers in guiding students through the curriculum via the Online School (OLS).

High School

- Students complete lesson, assignments, and assessments through the online Learning Management System (LMS) and interact with teachers through:
 - ✓ Live, online office hours
 - ✓ Optional live/recorded synchronous sessions
 - ✓ Asynchronous threaded discussions

Parent/Teacher Role: Middle School

Parents

- Ensure continuous progress with your students in the K¹² curriculum.
- Participate in regularly scheduled parent-teacher calls.
- Check e-mail daily.
- Submit student work samples monthly.

Teachers

- The curriculum & assessment specialist.
- Checks student progress and attendance, while also scheduling frequent, synchronous, teacher-initiated sessions.
- A resource for curriculum questions and supplemental activities.
- Organizes outings - builds "learning community".

6-8 Program: Overview

- Mastery-based program.
- Rich, research based content and “big ideas.”
- We encourage families to spend more instructional time on important, difficult objectives.
- We recognize that every child is different.
- Finding the correct level and pace may vary by child.
- To ensure mastery, every objective is assessed.
- Integrated and planned out for you and your student to follow. There is no need for you to plan lessons, our tools do that for you and our assessments direct you to the next lessons once the prior lesson is mastered.

High School Overview

- Asynchronous instructional model, with synchronous supports.
- New Mexico-licensed expert teachers in every subject area.
- Large catalog of courses that meet the needs, and interests, of students: Core, Comprehensive, Honors and AP®.
- Integrated student planning and time management tools.
- Courses are constructed in two semesters:
 - ✓ Units → Lessons → Activity Screens
- Vibrant school community that includes:
 - ✓ Student government
 - ✓ Clubs
 - ✓ College/career planning
 - ✓ Outings with other students

- It is critical in order to
 - demonstrate mastery of the curriculum
 - individualize instruction
 - measure and monitor growth
 - ensure all students have mastered the state specific standards at their grade level

Student assessment is important to student success and we want all students to be successful.

Goals of the NMVA Instructional Model



- #1. To provide a growth measure for all students (**Scantron**)
- #2. To ensure all students grades 6- 11 are exposed to and demonstrate mastery or receive remediation on all state standards prior to state testing .(**Study Island**)
- #3. To provide data that drives instruction (**Scantron & SI**)

Scantron Performance Series



- NMVA administers in the Fall and Spring for all students grades 6-11 in Reading and Math
- Allows teachers to:
 - Provide a growth measure to students
 - Provide data on classes, grade levels and school-wide performance

SCANTRON®



Performance Series™
WEB-BASED DIAGNOSTICS

Study Island (SI) Components

- **#1.**

Two Custom Assessments in math and reading –
assessments are aligned to state standards

- **#2.**

Five Monthly Pathways in reading and math



Goal: To ensure all students grades 6- 11 are exposed to and demonstrate mastery or receive remediation on all state standards prior to state testing.

Administration of the 5 Monthly Pathways

- NMVA administers 5 months of Pathways in the following ways:
 - First Custom Assessment is administered in October
 - 5 Pathways are assigned: Oct, Nov, Jan, Feb and March
 - Second Custom Assessment is Administered in December

How virtual education works



- Interactive synchronous online classrooms
- High level of teacher engagement
 - Monday morning homeroom assemblies
 - Daily office hours (in person and virtual)
 - Community events
 - Instant chat messaging between student and teacher
 - Raise your hand function within the LMS
- Learning coach involvement
- State testing plan
- ELL

Interactive Planning Tools

- Course Planner & Credit Checker
- Test Prep Information & Test Dates
- Financial Aid Information & Critical Dates
- College Budget & Cost Calculators
- Scholarships Search & Applications
- Profile & Resume Building

Communication Tools

- Email Counselors, Students, & Parents
- Host & Track Student Events
- Send Scholarship & Events Notifications

College Search Tools

- Customized College Search
- College List Collaboration
- 4,300+ Searchable College Profiles
- Side-by-Side College Comparisons & Videos
- Acceptance History Scattergrams

Centralized Student Tracking

- SuperAPP Application Processing
- Complete Application Tracking
- Electronic Transcript Requests

He has shown amazing academic strides when he is allowed to use audio recordings, speech/language technology on the computer. This is the first time in XXXX's academics he has had straight A's. I believe we have finally discovered what he needs in order to be and feel academically successful.” Parent of a student with special needs

- Grade level course assignments with accommodations
- One on one instruction
- Small group instruction
- Demographics include a wide range of students with disabilities:
 - 21% Gifted
 - 26% SLD
 - 8% Autistic
 - 16% OHI
 - 5% ED
 - 5% Twice Exceptional
 - 19% other – HI, SLI, OI, etc.

NMVA SBA Reading



Grade	Number Tested	Beginning Step	Nearing Proficiency	Proficient	Advanced	Proficient NMVA	and District	Above State
6	88	9.10%	38.60%	52.30%	0.00%	52.30%	47%	46%
7	88	4.50%	35.20%	56.80%	3.40%	60.20%	53%	49%
8	118	5.10%	28.80%	61.00%	5.10%	66.10%	60%	60%
H2	34	5.90%	38.20%	44.10%	11.80%	55.90%	42%	40%
H3	25	12.00%	52.00%	28.00%	8.00%	36.00%	54%	55%



Grade	Number Tested	Beginning Step	Nearing Proficiency	Proficient	Advanced	Proficient NMVA	and District	Above State
6	88	28.40%	44.30%	27.30%	0.00%	27.30%	28%	40%
7	88	27.30%	34.10%	35.20%	3.40%	38.60%	34%	41.00%
8	118	22.00%	46.60%	30.50%	0.80%	31.40%	30%	42%
H2	34	11.80%	64.70%	23.50%	0.00%	23.50%	33%	30%
H3	25	16.00%	52.00%	32.00%	0.00%	32.00%	45%	41.00%



	Number	Beginning	Nearing	Proficient	Advanced	Proficient	and	Above
Grade	Tested	Step	Proficiency			NMVA	District	State
7	88	13.60%	27.30%	42.00%	17.00%	59.10%	46%	43%
H3	18	16.70%	38.90%	44.40%	0.00%	44.40%	44%	39%