



2007 DRAFTING REQUEST

Bill

Received: **09/06/2007**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Public Instruction 6-7073**

By/Representing: **Jennifer Kamrud**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**
Education - state superintendent

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **jennifer.kammerud@dpi.state.wi.us**

Carbon copy (CC:) to: **robert.soldner@dpi.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Regulation of online courses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 10/08/2007	bkraft 10/09/2007		_____			S&L
/1	pgrant 11/21/2007	bkraft 11/26/2007	nmatzke 10/09/2007	_____	cduerst 10/09/2007		S&L
/2	pgrant 01/02/2008	bkraft 01/04/2008	rschluet 11/26/2007	_____	cduerst 11/26/2007		S&L
/3	pgrant	bkraft	pgreensl	_____	sbasford		S&L

- sent to Sen. Lehman per P.G.

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/4	pgrant 01/09/2008	kfollett 01/09/2008	nmatzke 01/08/2008	_____	lparisi 01/08/2008		S&L
/5	pgrant 01/10/2008	bkraft 01/10/2008	rschluet 01/09/2008	_____	lparisi 01/09/2008		S&L
/6			nmatzke 01/10/2008	_____	lparisi 01/10/2008	cduerst 01/10/2008	

FE Sent For:

*at
intro*

<END>

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1/6 bjk 1/10

nwn
1/10

nwn/sb
1/10

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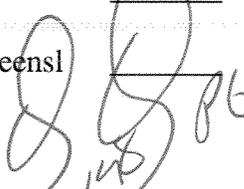
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/3	pgrant	bkraft 1/5/08 1/9/08	pgreensl 		sbasford		S&L

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14 bjk 1/8

01/04/2008 _____

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nwn
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nwy/rs
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Handwritten notes:
1/3 bjk 1/4
V 9/28 P81 MJ

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/?	pgrant	1 bjk 10/9	nwn 10/9	nwn/pg 10/9			

FE Sent For:

<END>

Grant, Peter

From: Kammerud, Jennifer A - DPI
Sent: Friday, August 10, 2007 11:16 AM
To: Grant, Peter
Cc: Evers, Anthony S - DPI; Soldner, Robert A - DPI
Subject: Drafting Request - Online education

Attachments: The On Line Education Improvement Act.doc



The On Line
ducation Improvem.
Peter,

We would like to have the attached idea drafted. I know there are some details that will need to be filled in as you go about this. Please contact Bob Soldner (266-7475) in our office as questions come up. Thank you.

- Jennifer

Jennifer Kammerud
Legislative Liaison
Department of Public Instruction
125 South Webster Street
Madison, WI 53707
Ph: 608/266-7073
E-mail: jennifer.kammerud@dpi.state.wi.us

*email to
Jennifer & Bob*

The Online Education Improvement Act

Wisconsin Web Academy

All local school districts shall have access to online courses. To help accomplish this, the DPI shall develop a web-based academy that will offer a repository of online courses aligned with the Model Academic Standards that will be made available to every local school district. The courses will be available on a fee basis to districts. DPI will need an appropriation to develop this.

Quality of Online Instruction

Online learning shall be led and taught by an appropriately-licensed teacher. The assigned teacher will provide organization, direction, content and feedback to students. This requirement would not preclude support by mentors, non-licensed experts in the field or parents/responsible adults. Elementary students enrolled in online instruction must have direct face-to-face instruction by a teacher at least 25% of the time.

In order to provide consistent quality of instruction for both Wisconsin Web Academy and for all other providers of online learning, the state superintendent, through administrative rule, shall establish instructional standards for online courses, including

- frequency of teacher-student contact, phone, email, etc. *OK? by rule*
- assessment of student progress; and,
- a method to measure participation analogous to attendance in face-to-face courses.

District Obligations:

- ✓ Districts will verify the authenticity of student work.
- ✓ Districts must approve resident student participation in online coursework.
- ✓ Districts will provide a safe and secure online environment and ensure confidentiality of online coursework and records.
- ✓ Schools districts should define the average equivalency hours for online course activities and provide educational programming that meets the hour requirement set forth in statute.
- ✓ Districts will develop "acceptable use" policies that are communicated to students, parents and staff.
- ✓ Districts will ensure that online students physically reside in the state of WI.
 - Requiring parental involvement cannot be a criterion for admission to any on-line activity.
- ✓ Districts shall assign an appropriately licensed teacher for all online learning activities.

Teacher Training:

The pedagogy of teaching online is quite different from face-to-face teaching. The state superintendent will create professional development programs to create a cadre of educators who can effectively instruct online. This training is required and must be completed within five years. The state superintendent shall develop preservice requirements for institutions of higher education. There will need to be an appropriate level of funding to support these goals.

or any other?

2 opprops? (CPR & PR)

anybody's? dpi is

what time?

by rule

K-8?

by rule

charter schools? private schools? home schools?

apply to pub schools only

for all providers

- for s.d. - pre-dpi - providers courses? all

i.e. sd determines which part participates & how many can take

can you teach online w/o this training?

alter eff date

DPI approves training programs

Student Readiness:

The state superintendent will make available an online survey to parents or schools that will assess a student's readiness for online learning and instructional materials designed improve a student's chance of success online. This is a voluntary tool and cannot be used to deny enrollment in any online course/virtual school.

Funding for Online Courses

Costs for all online learning courses, through the Wisconsin Web Academy, or any other provider that offers online courses (districts, CHEB, CESAs) via Open Enrollment, 66.30 agreements or CESA contracts, shall not exceed 20% of the open enrollment transfer amount for that school year per course, nor will the total amount paid per student exceed the open enrollment transfer amount. Additional amounts may be charged for courses requiring special equipment.

per pupil?
pd by sd?

charter schools?

118.51 (16) (a) 3.?
(i.e., statewide av. per pupil)
sch. dist. cost,

6/c

- sd can't pay > 20% of OETA per kid per course
- can't have ~~more~~ OETA per kid

→ WWA not sole provider of online courses

Sent to
DPI 8/21/07

Wisconsin Web Academy

- I assume you need two appropriations, one GPR approp for start-up costs and one PR approp for the fees. Right? *y*
- Will the courses be available to private schools as well as to school districts? If so, only private schools located in Wisconsin? What about home schools? *N* *yes as-y*

Quality of Online Instruction

- Do the statements in the first paragraph of this section apply to all schools in Wisconsin, private as well as public? What about home schools?
- The memo says elementary school pupils (presumably, pupils enrolled in public K-5 grades) would have to have "direct face-to-face instruction by a teacher at least 25% of the time." What does "time" mean in that sentence? And does "face-to-face" include a computer equipped with a camera so that the pupil and teacher can see each other?
- Regarding the "instructional standards" mentioned in the second paragraph of this section, who would be responsible for complying with them? Would it be the providers of the online courses (some of which I'm guessing are private parties) or the school district in which there are pupils enrolled who are taking the courses? (If the latter, I'm assuming the standards apply only to public schools.)
- In the phrase "frequency of contact," does "contact" include phone, email, etc.?

District Obligations

- In this section, the requirements apply to all online courses, not just those provided by DPI, right? And they apply only to school districts, correct? Do they apply to the school district in which there are students enrolled who are taking online courses (perhaps from another provider)? Or do they apply to the school district that is providing the online courses? As you can probably tell, I'm a little confused about how all this will work. *all sch. districts*
- For example, regarding the reference to "resident student participation" in the second bulleted item, does this mean the courses are open to students anywhere in the state, regardless of where they go to school, but a district only gets to approve the participation of those students who are enrolled in that district?

so providing the instruction (adhering to it)

Teacher Training

- The memo says "This training is required..." Do you mean that one may not teach online without this training? If so, when would you like this requirement to go into effect?
- You say the training "must be completed within five years." Within five years of what?
- Do you want to increase an appropriation to fund the development of these programs? *No*

Funding for Online Courses

- I'm confused about the limits that this section establishes, but I think it means this: A school district may not pay, for any online course, more than 20% of the open enrollment transfer amount (OETA) multiplied by the number of pupils enrolled in the district who are taking the course; and a school district may not pay more than the OETA for any pupil taking online courses. Is that correct?

- fees that DPI establishes for WWA,
 - sd can charge that fee to another sd (under O.E.P. or other programs)

Grant, Peter

From: Soldner, Robert A - DPI
Sent: Monday, October 08, 2007 10:11 AM
To: Grant, Peter
Cc: Pahnke, Brian D - DPI; Kammerud, Jennifer A - DPI; Cleaver, Mary Jo J - DPI
Subject: RE: Online courses

You are correct that after much discussion DPI is "dropping the idea of one district paying another (but no more than the Academy charges) for an online course provided by the latter district.."

Please let me know if you need more.

Bob Soldner, Director
School Management Services

-----Original Message-----

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
Sent: Monday, October 08, 2007 9:22 AM
To: Soldner, Robert A - DPI
Subject: RE: Online courses

Thanks, Bob, but I'm still confused. As I noted, in our previous conversation we talked about how much a district could charge. You said it couldn't charge more than DPI charged for an online course provided by the Web Academy. In your email, you say there should be no change to tuition payments under subch. V of ch. 121, or to part-time or full-time open enrollment. So does this mean that you are dropping the idea of one district paying another (but no more than the Academy charges) for an online course provided by the latter district?

If not, can you tell me under what circumstances a pupil may attend an online course provided by a nonresident school district, outside of open enrollment, in which none of the provisions under subch. V of ch. 121 apply?

Peter

-----Original Message-----

From: Soldner, Robert A - DPI
Sent: Friday, October 05, 2007 2:58 PM
To: Grant, Peter
Cc: Pahnke, Brian D - DPI; Cleaver, Mary Jo J - DPI; Kammerud, Jennifer A - DPI
Subject: RE: Online courses

First, I apologize for the delay in getting back to you. I've added the Department's responses in blue below.

Bob Soldner, Director
School Management Services

> -----Original Message-----

> **From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
> <mailto:Peter.Grant@legis.wisconsin.gov>]
> **Sent:** Friday, September 14, 2007 10:48 AM
> **To:** Soldner, Robert A - DPI
> **Subject:** Online courses

>
> Bob, I'm almost done with a preliminary draft, but a couple of
> questions have come up.

>
> First, is "face-to-face instruction" (in the context of elementary
> pupils receiving it at least 25% of the time) the same as "direct
> pupil instruction," as the latter phrase is used in ss. 120.18 (1)
> (d), 121.004
> (7) (cm) and (e), and 121.02 (1) (f) 2.? No.
>
> Second, I'm confused about the funding for online classes. As I recall
> our previous conversation, you indicated that I should ignore the
> written instructions on this. Instead, you said that a district may
> charge another district, for each nonresident pupil enrolled in an
> online course provided by the former district, no more than the amount
> that DPI charges for an online course provided through the Wisconsin
> Web Academy. (By the way, will DPI have a per pupil fee? Or will it
> charge the same fee regardless of how many pupils may be enrolled in
> the course?) You mentioned that nonresident pupils may be attending an
> online course provided by another school district under several programs,
> including open enrollment.
>
> My question is, isn't all this governed by subch. V of ch. 121,
> Tuition Payments? Yes, for the most part. There should be no change
> to tuition payments or the part-time OE calculation. This legislation
> is only dealing with what the Wisconsin Web Academy will charge per
> course. To clarify, there will be no specific fee charged by the
> non-resident school district to the resident district for courses
> offered by the Wisconsin Web Academy for OE students. The OE costs
> will be handled as prescribed under current law. And for part-time open
> enrollment, isn't it governed by s.
> 118.52 (12)?
>
> I'm assuming that for full-time open enrollment, there would be no fee
> payment at all; under s. 118.51 (16), state aid is adjusted instead.
> I'm also assuming that we're regulating only what a school district
> may charge another school district, not what a private provider (or a
> CESA?) may charge a school district. Right? Yes, you are correct.
>
> Peter
>
>

Date (time) needed _____

LRB - 314411

PG: bjk: _____

BILL

Use the appropriate components and routines developed for bills.

for elementary and secondary school pupils

AN ACT . . . [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the

* statutes; relating to: . . . online . . . courses . . . and . . . granting . . .

* . . . rule-making . . . authority . . .

SA ✓
X-ref ✓

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: **create** → **anal:** → **title:** → **head**

For the subheading, execute: **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: **create** → **anal:** → **text**

(attached)

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

c) Requirement

4 SEC #. CR, 118.19 (13)

) 418.19(13) ^(B) Beginning July 1, 2013, ~~no~~ ^{no} ~~person~~ ^{person} may teach ~~that a teacher~~ of an online course ~~completed~~ ^{approved by the department, that is} a professional development program designed to prepare a teacher for online teaching.

in a public school or charter school unless he or she has



Section #, CR., 118.57 (B) (CS)
118.57 Online courses (1) DEPARTMENT DUTIES

NOT The department shall do all of the following

(a) The department shall develop and make them available for a fee to school districts, cooperative educational service agencies, charter schools and private schools located in this state.

(b) The department shall promulgate rules

NOT Establishing instructional standards for all online courses taken by pupils of public schools and charter schools, including standards addressing all of the following:

(1) The frequency of communication between the pupil and the teacher.

(2) The assessment of pupil progress.

(3) Methods to measure pupil participation.



✓ Develop and
 (c) _{AA} make available to school boards an
 online survey ^e designed to assess a
 pupil's readiness for online learning and
 instructional materials designed to improve a
 pupil's chance of success in online courses. ^o
 ✓ Promulgate
 (d) _{AA} promulgate rules to implement ^{and}
 administer ^{and} this section. ^o



CS

SCHOOL BOARD DUTIES

(2) For pupils enrolled in online courses, Each

school board shall do all of the following:

(a) Determine which pupils may enroll in an online course and the number of online courses which online courses are available for enrollment.

a pupil may enroll in a course if parental involvement is a criterion in determining whether a pupil may enroll in an online course.

(b) Provide a safe and secure online environment and ensure that pupil coursework and records of pupils enrolled in online courses remain confidential.

(c) Assign an appropriately licensed teacher for each online course.

(d) Verify the authenticity of pupil coursework in online courses.

(e) Determine the average equivalency hours for online courses.

(f) Ensure that all pupils enrolled in



online courses reside in this state.

¶ (g) Ensure that pupils enrolled in

grades kindergarten to 8 who are enrolled in

online courses have face-to-face contact with the

teacher assigned to the course at least 25 percent of the time.

~~(h) Ensure that parental involvement is not a factor in determining whether a pupil may enroll in an online course.~~

¶ (h) Adopt a policy on acceptable

use of the Internet and communicate it

to pupils, parents, and teachers.



X

✓

Section #. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), [(37m),] and (38), 120.14, and 120.25 are applicable to a 1st class city school district and board.

*

118.57

NOTE: Sub. (1) is shown as affected by 3 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed language indicates a missing cross-reference. Corrective legislation is pending.

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; s. 13.93 (2) (c).

(End) ✓

Analysis

* This bill directs the Department of Public

Instruction (DPI)

to develop online courses and make them available for a fee to school districts, cooperative educational service agencies, charter schools, and private schools. DPI must also

establish instructional standards for online courses.

The bill directs each school board to do all of the following:

- 1. Determine which pupils may enroll in an online course, which online courses are available, and the number of online courses a pupil may take.

2. Provide a safe and secure online environment ^{ensure} ensure the confidentiality of ^{pupil} pupil coursework and security and verify the authenticity.

3. Assign an appropriately licensed teacher for each online course and

4. Determine the average equivalency hours of pupil coursework. for online courses.

5. Ensure that only pupils who reside in this state enroll in online courses.

^{ensure} ensure that pupils in grades kindergarten to eight who are enrolled in online courses have face-to-face contact with the teacher at least 25 ^{percent} 25% of the time.

Finally, the bill provides that beginning July 1, 2013, ^{no} no person may teach ^{an} an online course in a public ^{or} or charter school unless

he or she has completed a professional
development program,
development program, approved by DPI
that is designed to prepare a teacher
for online teaching. ©

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end of Analysis