

Virtual School Operations

Follow-up Report
March 2008

Office of Performance Evaluations
Idaho Legislature



Report 08-03F

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Office of Performance Evaluations

Acknowledgments

We appreciate the cooperation and assistance we received from the Board of Education, the Public Charter School Commission, and the four virtual schools. Amy Lorenzo of the Office of Performance Evaluations conducted this follow-up review, and Dr. Kathleen Sullivan, consultant, performed the quality control review.

Virtual School Operations

Follow-up Report

At the direction of the Joint Legislative Oversight Committee, we issued a report on virtual school operations in March 2007. We found that statutory definitions relating to virtual schools did not provide an adequate framework for schools to operate, resulting in wide variations among schools. We also found that once a charter school had been approved, the oversight process did not include any areas specific to virtual schools. We made eight recommendations to the Legislature, the State Board of Education, and the Public Charter School Commission to clarify requirements and strengthen oversight. During the 2008 legislative session, the Legislature passed a bill to update the definition of a virtual school. In addition, the board and the commission have made some progress in strengthening oversight.

Background and Current Status

Idaho currently has four virtual schools. Three schools —Idaho Virtual Academy, INSPIRE Connections Academy, and Richard McKenna Charter High School—are authorized by the Public Charter School Commission. One school, the Idaho Distance Education Academy (I-DEA) is authorized by the Whitepine Joint School District. Since our report release, the commission has approved another virtual school petition, iSucceed Virtual High School, which is scheduled to open in fall 2008.

As part of our follow-up work, we asked each of the four schools if they had updated any of their policies or procedures over the last year. Two schools, INSPIRE and Richard McKenna, told us they have not made any changes. The other two schools made the following changes:

- Idaho Virtual Academy has updated its policy manual in a number of areas, including revising its personnel policies and clarifying the school's internet reimbursement criteria and dual enrollment requirements.
- I-DEA has significantly changed its structure in areas including curriculum options, assessment of student work, and required contact between students and teachers.

- Parents no longer have a choice of publishers in selecting a curriculum for their child. Instead, teachers have now narrowed the list of suggested textbooks to the top two or three and have created a matrix to measure how well a book aligns with state standards.
- Parents no longer submit grades to the teacher based on their assessment of their child’s work. Teachers now enter the grades based on work samples submitted by the student, test scores, and communication with the family.
- According to staff, the school has more than doubled its number of certified staff, significantly lowering its student to teacher ratios. Students and teachers are now required to have direct contact at least twice per school year, and teachers are required to contact the household at least three times per month.

As described in the following sections, some progress has been made in implementing our recommendations. The board and commission’s assessment of their progress is provided in appendix A.

Recommendations to Clarify Statutes

Recommendation 1: The Legislature should clarify the definition of a public virtual school—this would provide more specific information for new virtual schools to include in their petitions and would establish clearer criteria to use in determining which existing schools in Idaho meet that definition.

During the 2008 legislative session, the Legislature passed a bill that updated the definition of a virtual school and added additional petition requirements for new virtual schools. The new definition does not define the role of a teacher, curriculum development, or specify how instruction is to be delivered to the student. However, the definition does provide more comprehensive information about a school’s required operating environment. New virtual school petitions must contain information specifying, among other things, the role of the teacher, how the teacher and student will have direct interaction, and how instruction will be delivered to the student.

Status: This recommendation has been **implemented**.

Recommendation 2: The Legislature should require that all statewide virtual schools be approved by the Public Charter School Commission, by a date specified by the Legislature. Current statute requires that all new petitions for a virtual charter school be submitted to the commission but does not address existing virtual schools. By requiring all virtual schools to be authorized by the

commission, it will help to ensure that all virtual schools are subject to the same oversight.

Status: This recommendation remains **open for legislative action**.

Recommendation 3: The Legislature should consider additional annual reporting requirements for virtual schools. These requirements may include a description of the school's education program and curriculum, test scores and academic performance, how technology affects the delivery of special education services, operational efficiency, and students' overall satisfaction.

Each charter school is required to submit an annual report that contains an audit of the school's programmatic operations. Board and commission staff told us they are currently working to draft administrative rule that would further define the requirements of this audit.

Status: While the work of the board and commission may eventually meet the intent of this recommendation, this recommendation remains **open for legislative action**.

Recommendation 4: The Legislature should address whether any public school that uses virtual distance learning as part of its method of instruction should be subject to operating requirements and oversight similar to those for virtual schools. Currently, schools that do not meet the definition of a virtual school could offer virtual courses or programs without any specific guidance or oversight. This recommendation would have implications for all public schools, not just charter schools or virtual charter schools.

Status: This recommendation remains **open for legislative action**.

Recommendations to Strengthen the Oversight Process

Recommendation 5: The Board of Education should amend rules to require petitioners to address or respond to the Department of Education's findings. Current rule requires the department to conduct sufficiency reviews and requires petitioners to forward the review to the authorized chartering entity, but does not require petitioners to formally respond to the department's findings or to address deficiencies.

At its August 2007 meeting, the board voted to amend rule. After the department conducts an initial petition review and identifies deficiencies, the amended rule would require petitioners to address the deficiencies before forwarding the petition to their authorized chartering entity. This rule amendment was introduced during the 2008 legislative session and will become effective at the end of the session.

Status: Because the board has taken steps to amend rule, this recommendation has been **implemented**.

Recommendation 6: The Board of Education should seek clarification as to what specific sections of board rule apply to charter schools, including virtual schools. As part of the Public Charter School Commission's oversight role, the board and commission should have a clear understanding of what rules virtual schools are subject to.

According to board staff, they have worked with legal counsel to clarify the specific sections of board rule that apply to charter schools, including virtual schools. However, staff stated that these discussions took place in person between the board and counsel and did not result in any documented clarifications.

Status: This recommendation will be considered fully implemented once evidence exists—such as a memorandum of understanding—to indicate a clear understanding of what rules govern virtual schools. The implementation of this recommendation is **in process**.

Recommendation 7: The Public Charter School Commission should include all petition requirements (specified in rule) in the checklists it uses to review new charter petitions.

The commission has updated its petition review process by merging its checklists into one petition review form and by adding all of the petition requirements specified in statute and rule. As discussed in recommendation 1, the commission has also added to its requirements for new virtual schools.

Status: This recommendation has been **implemented**.

Recommendation 8: The Public Charter School Commission should analyze the relationship between variations in virtual school operations and student outcomes. Should the Legislature implement recommendation 3, the commission may be able to use some of the reported information to aid in its analysis.

According to the commission, implementation of this recommendation falls outside its current level of responsibility as an authorized chartering entity. Should the commission's role be expanded to include an analysis of student outcomes, staff told us the commission would require additional staffing and financial resources.

Status: This recommendation has **not been implemented**.

Appendix A

Update of Implementation Efforts



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PERFORMANCE EVALUATIONS

February 8, 2008

Shawn Keough and Margaret Henbest, Co-chairs
Joint Legislative Oversight Committee
c/o Office of Performance Evaluations
700 West State Street
HAND DELIVERED

Dear Senator Keough and Representative Henbest:

Thank you for this opportunity to provide an update regarding action taken by the State Board of Education (Board) and the Public Charter School Commission (Commission) in response to the recommendations of the Office of Performance Evaluations' March 2007 report *Virtual School Operations*. Below, please find our comments with regard to each of the recommendations in Chapter 5 of the report:

Recommendation 1 – The Commission has proposed legislation in response to this recommendation. If passed, House Bill 423 will make two, related statutory changes with regard to virtual schools.

The first change will update the statutory definition of a “virtual school” for clarity regarding the characteristics of a virtual school in Idaho, establishing that a virtual school must offer a full-time curriculum and requiring that a virtual school provide online lessons and tools for student and data management.

The second change will extend the list of required petition elements for virtual schools to include eight (8) elements specific to virtual schools, including the role and availability of the online teacher; the learning management system by which courses will be delivered; and the means by which students will receive frequent, timely feedback from teachers.

Recommendation 2 – The Commission responded to this recommendation in its March 1, 2007, letter addressed to the Office of Performance Evaluations, which was published with the report. The letter noted that a legislative requirement that all existing virtual schools be authorized by the Commission would conflict with I.C. 33-5205A, which states that the original authorizer, charter school, and

proposed new authorizer must all agree to a transfer in order for such transfer to occur.

Recommendation 3 – Board and Commission staff are currently working with the State Department of Education and charter school stakeholders to draft a proposed administrative rule defining the requirements of the programmatic audit that all public charter schools, including virtual schools, are required to submit to their authorizers annually. The proposed rule will include elements specific to virtual schools and is anticipated to move through the rulemaking process in 2008-2009.

Recommendation 4 – The Board has not addressed this recommendation. Because the recommendation concerns non-charter virtual schools or programs, the Commission is not an appropriate entity to address the recommendation. However, Commission staff is available to assist parties attempting to establish oversight guidelines for non-charter virtual schools.

Recommendation 5 – The Board has introduced a pending rule, Docket 08-0204-0701, requiring that charter school petitioners include a copy of the sufficiency review, and a written response to the findings of that review, with a charter school petition when that petition is submitted to an authorized chartering entity.

Recommendation 6 – Board staff has worked with legal counsel to clarify which specific sections of Board rule apply to charter schools, including virtual schools. Pursuant to I.C. 33-5210, charter schools are exempt from all Board rule except the following: IDAPA 08.02.03, Rules Governing Thoroughness; IDAPA 08.02.04, Rules Governing Public Charter Schools; and those rules specifically cited in I.C. 33-5210(4), subsections (a) through (e). Public charter schools petitioning to, or authorized by, the Commission are also subject to IDAPA 08.03.01, Rules of the Public Charter School Commission.

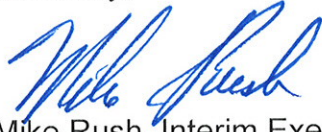
Recommendation 7 – The Commission has updated and streamlined its petition review process by replacing its two checklists with a single petition review form. The form includes all petition requirements listed in statute and rule, as well as the eight elements specific to virtual schools listed in House Bill 423.

Recommendation 8 – As noted in the Commission's letter to OPE dated March 1, 2007, and published with the report, the completion of research analyzing virtual school operations and student outcomes falls outside the responsibility of an authorized chartering entity as described by IDAPA 08.02.04.301, Rules Governing Public Charter schools, and the Commission responsibilities included in IDAPA 08.03.01, Rules of the Public Charter School Commission. The Commission's role is limited to that of an alternative authorizer for charter schools that are unable to obtain authorization at the district level.

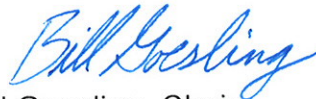
However, as part of its oversight responsibility, the Commission maintains ongoing communications with the virtual schools it authorizes, ensuring that these schools collect data to identify their strengths and weaknesses and take action to improve in any areas that prove unsatisfactory.

Thank you again for the opportunity to provide this update. Working with the OPE staff continues to be a pleasure, and we welcome further communication any time we may be of assistance.

Sincerely,



Mike Rush, Interim Executive Director
State Board of Education



Bill Goesling, Chair
Public Charter School Commission

Enclosures (3)

cc: Senator John Goedde, Chair, Senate Education Committee
Representative Bob Nonini, Chair, House Education Committee
Amy Lorenzo, Office of Performance Evaluations

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<u>Pub. #</u>	<u>Report Title</u>	<u>Date Released</u>
06-01	Management in the Department of Health and Welfare	February 2006
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06-03F	Timeliness and Funding of Air Quality Permitting Programs	August 2006
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06-07F	Higher Education Residency Requirements	August 2006
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07-01	Use of Average Daily Attendance in Public Education Funding	February 2007
07-02	Virtual School Operations	March 2007
07-03F	Higher Education Residency Requirements	July 2007
07-04F	State Substance Abuse Treatment Efforts	July 2007
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07-08	Options for Expanding Access to Health Care for the Uninsured	July 2007
07-09F	Child Welfare Caseload Management	December 2007
07-10F	Management in the Department of Health and Welfare	December 2007
07-11F	School District Administration and Oversight	December 2007
07-12	Cataloging Public Health Expenditures in Idaho	December 2007
07-13	Estimating Private Health Expenditures in Idaho	December 2007
07-14	Trends in and Drivers of Health Expenditures in Idaho	December 2007
08-01	Governance of Information Technology and Public Safety Communications	March 2008
08-02F	State Substance Abuse Treatment Efforts	March 2008
08-03F	Virtual School Operations	March 2008

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