

IN THE SENATE

SENATE BILL NO. 1237

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1002A, IDAHO CODE, TO REVISE THE  
DEFINITION OF "ONLINE COURSE."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1002A, Idaho Code, be, and the same is hereby  
amended to read as follows:

33-1002A. FRACTIONAL AVERAGE DAILY ATTENDANCE. (1) Beginning in fiscal year 2013, for students attending school in more than one (1) school district or public charter school, or who are enrolled in one (1) or more online courses in which the student's home school district or public charter school is not the content provider, attendance shall be counted and divided based on the portion of the student's daily attendance time that is spent in attendance at each school district, public charter school or online course. This provision shall not apply to:

(a) An online course in which the school district or public charter school has a contract in place for the provision of online courses.

(b) Any online course which causes the total number of courses in which a student is enrolled to exceed the maximum number of periods of instruction offered at the school in which the student is enrolled. If a student is enrolled in multiple online courses and one (1) or more online course falls within this limitation and one (1) or more fall beyond it, then the most expensive courses shall be subject to fractional average daily attendance. School districts and public charter schools may choose to pay for any online courses that fall beyond the limitation of this paragraph, at their discretion. The parents or guardians of students shall be responsible for paying the cost of any online courses in which the student is enrolled beyond the limitation of this paragraph, unless such cost has been paid by the student's school district or public charter school. A student's home school district or public charter school shall notify the student's parent or guardian at the time of registration if any online courses in which the student is enrolling exceed the maximum provided in this paragraph.

(2) For online courses subject to fractional counting and division, the average daily attendance shall be counted and funded as part of the student's home school district or public charter school attendance. However, the state department of education shall identify the fraction attributable to such attendance for each student and furnish the home school district or public charter school with a dollar amount of funding attributable to each such fraction. The home school district or public charter school shall then remit two-thirds (2/3) of such amount to each online course content provider.

(3) For the purposes of this section and section 33-1627, Idaho Code, the term "online course" means a course which delivers a sequential program

1 of synchronous and/or asynchronous instruction primarily through the use of  
2 technology, ~~in which the instructor is not physically located at the school~~  
3 ~~or place in which the student is receiving instruction.~~ Nothing in this def-  
4 inition shall prohibit a blended course that includes face-to-face, in per-  
5 son instruction, provided that a majority of the instruction is delivered as  
6 stated herein.