Leading in an Era of Change
Making the Most of State Course Access Programs

A White Paper to Identify Key State Policy Issues—with Recommendations
Regarding the Development of a New Multistate Network

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Digital Learning Now
an initiative of ExcelinEd

EducationCounsel
In Affiliation with Nelson Mullins Riley & Scarborough LL

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ABOUT US

About ExcelinEd
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Founded by former Governor Jeb Bush in 2008, the mission of the Foundation for Excellence in Education (ExcelinEd) is to ignite a movement of reform state by state to transform education for the 21st century. ExcelinEd's unique contribution is working with decision makers on developing, adopting, and implementing education reform policies.

About Digital Learning Now
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Digital Learning Now is a national initiative under ExcelinEd with the goal of advancing state policies that will create a high-quality digital learning environment to better equip all students with the knowledge and skills to succeed in this 21st-century economy. The policy framework stems from the belief that access to high-quality, customized learning experiences should be available to all students, unbounded by geography or artificial policy constraints.

About EducationCounsel
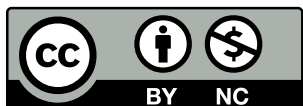www.educationcounsel.com | @EdCounselDC

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ACKNOWLEDGEMENTS

Foreword Governor Jeb Bush

The needs of our country's 130,000 schools are as diverse as the 50 million students who attend them. Whether in the struggling schools of Detroit or the yet-to-be-built classrooms in booming North Dakota, placing students at the center of the learning process means connecting them to the highest quality resources, instructors and courses.

Course Access promises states and schools a powerful tool for offering every student every course they need to excel in the 21st century. By coupling state-of-the-art technology with innovative policy, states are using Course Access programs to allow schools to offer courses far beyond what was previously possible.

Students are able to attend their traditional school, but are given the opportunity to access courses beyond any limitations of their school. Parents and their children can browse statewide course catalogs, exploring potentially limitless combinations of opportunities. They can design each child's educational pathway, while considering course schedules, extracurricular activities, learning environments and other interests. For students in Michigan, Minnesota and Louisiana, this is becoming reality.

Having a high-quality education must no longer depend on location. For the next generation of students, the international stakes are too high to restrict access to great courses based on ZIP code. They will compete against the best and brightest. They will build things that we can't even imagine and take jobs that didn't exist five years ago.

Today's students need access to the country's best physics teachers. They need to be inspired by teachers who make history come alive. Their access to AP Courses, foreign language or STEM teachers should not be restricted by the supply of specialized instructors.

Creating a versatile and imaginative education system that equips students to rise and succeed in the 21st century requires visionary policy and state leadership. Course Access promises to deliver on that challenge.

This report documents how states are leading the way as laboratories for innovation and using Course Access to focus learning on the needs of students. It is a resource for states to craft their own policies. With state-driven leadership and cooperation, we can achieve the promise of this program, hold providers accountable for high-quality courses and ensure equity of access for every student.

We are in the early stages of Course Access programs, and there are still lessons to be learned, but every indicator so far shows us that Course Access will be a game changer for students in America, allowing them to truly be the center of education.

Jeb Bush

Jeb Bush
Former Florida Governor and Chairman of the Foundation for Excellence in Education

Foreword Secretary Richard W. Riley

Education systems in America have many roles and responsibilities, including preparing students *today* for the world of *tomorrow*. Our students must gain the skills and knowledge to advance in today's world, but they also must be prepared to respond to future challenges and opportunities that we can't yet imagine.

A rigorous, well-rounded K-12 curriculum is a foundation for this preparation. However, the number and variety of courses that school systems can offer have been limited by insufficient funding, teacher recruitment, and other scarce resources.
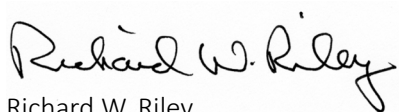
A recent U.S. Department of Education report tells us that, nationwide, only half of our high schools offer calculus, a little more offer physics, and too many students do not attend schools that offer the full range of math and science courses to prepare students for college- Algebra I , geometry, Algebra II, calculus, biology, chemistry, and physics. This especially affects underserved youth from minority groups and in high-need areas. One-quarter of our high schools with the highest percentage of black and Latino students do not offer Algebra II; a third of these schools do not offer chemistry. The same situation is true with regard to courses in music and the other arts, foreign languages, and so forth.

It is a matter of justice and fairness for our students and an economic imperative for our states and our nation that we close these opportunity gaps.

"Course Access" can be one solution. As explained in this report, Course Access refers to state-level programs that provide students with expanded course offerings across learning environments from a diverse group of providers. In other words, Course Access allows students to stay enrolled in their schools while also having access to courses and providers that have been vetted and will be held accountable by state authorities. By supplementing traditional school course offerings with options from partnering providers, Course Access programs can increase dramatically the learning opportunities available to students.

Through my role as Chair of the Commission on the Regulation of Postsecondary Distance Education in 2012 and 2013, I saw the positive action that can result when different stakeholders work together to develop reciprocity among states that will increase access, maintain quality, and be less costly and burdensome. (That action is underway in the higher education arena and more information about that effort can be found in this report.)

Similar collaborative efforts around state Course Access policies and practices are vitally important. I am hopeful that this report can spur on more collaboration, including across state and district lines, to improve programs and expand opportunities for students. I encourage states, districts, schools, and other education partners to consider seriously the recommendations in this report.

Richard W. Riley
Former U.S. Secretary of Education
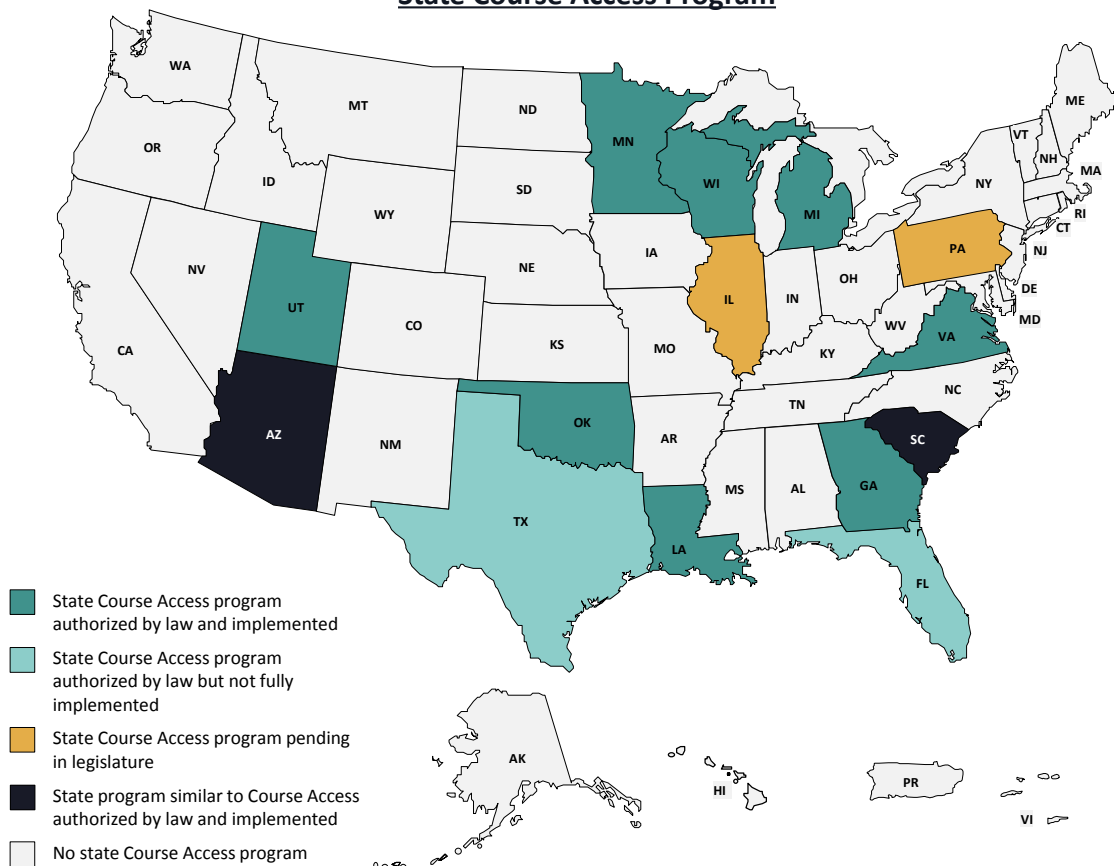Former Governor of South Carolina

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Executive Summary

American education faces a host of unprecedented pressures as educators seek to meet the needs and harness the opportunities of the 21st century. Public schools are being asked to implement new rigorous college and career ready standards, help all students customize and personalize their learning experiences, address long-standing opportunity and achievement gaps, identify new ways for teachers to grow in their profession, incorporate technology in meaningful ways, and do it all on tightened budgets. Navigating these currents requires creativity, flexibility, and – in our digital age, perhaps most importantly – a willingness to do things differently. New "Course Access" programs present an opportunity for states to do just that.

Course Access is a state-level program that provides students with expanded course offerings across learning environments from diverse, accountable providers.[1] These programs promise to offer students expanded curricular opportunities and alternatives that meet their unique learning styles and needs. Participating students have the right to enroll in qualifying courses and earn full class credit for courses completed through the program. Most state Course Access programs have only recently been implemented, and best practices are still emerging. Success will depend on academically rigorous course offerings within a high quality curriculum, strong approval and monitoring systems for providers, attention

State Course Access Program

Legend:
- State Course Access program authorized by law and implemented
- State Course Access program authorized by law but not fully implemented
- State Course Access program pending in legislature
- State program similar to Course Access authorized by law and implemented
- No state Course Access program

to the needs of different learners (including students with disabilities and English language learners), research on what constitutes quality digital learning, effective system integration, and proactive engagement with students, parents, districts, schools, and other important stakeholders.

Starting with Minnesota in 2006, Course Access legislation has spread throughout the country, with eight other states passing or considering legislation in the last three years. States from Utah to Florida and Michigan to Texas have created Course Access programs with support from state legislators. In Louisiana – a pioneering state in Course Access that incorporates in-person, online, and blended courses into its program – students are using its groundbreaking program to take everything from Advanced Placement (AP) French to ACT Prep to vocational classes that train them to become "the Lebron James of welding."[2]

Many states are in the early phases of Course Access inquiry and deliberation, with some just beginning to consider state policy options while others have actively enrolled students. ***To take advantage of this pivotal moment in time, we have developed this paper with the belief that policymakers and program developers may be able to learn from early implementers and cull lessons from other relevant education innovations.*** These lessons, along with the prospect of meaningful collaboration (informed by research and experience) will be important in shaping the development of Course Access state policies and relevant infrastructures to maximize student success in the years to come.

State Course Access programs hold great promise to expand learning opportunities for students (particularly those who have been traditionally underserved), but present significant challenges in design and administration. ***This paper is intended to serve as a resource for states and districts to make informed, system-aligned policy decisions to help their Course Access programs succeed in creating new, meaningful educational opportunities for students.*** Correspondingly, we hope to advance an important and growing dialogue by calling attention to key issues associated with pursuing systemic reform – advancing rigor and quality of delivery, identifying and promoting efficiencies through cross-state and state-district collaboration, and synthesizing key takeaways from prior experiences. We expect that a focused and meaningful dialogue on these issues will help ensure the sustainability and overall effectiveness of states' Course Access efforts to secure better outcomes for students across the state.

The paper is organized as follows:

I. **Understanding Course Access: An Overview Of The Digital Learning and Emerging Course Access Programs** draws on research into the experience of states and districts in the past few years to describe the landscape for Course Access programs. Part A reviews trends in state and district efforts to create digital learning opportunities, noting both the opportunities for meaningful expansion of access to rigorous coursework and the inherent challenges in establishing effective, equitable programs. Part B provides a short discussion of the emergence of Course Access programs, including a review of the key elements of state programs and what sets these programs apart from other efforts to increase digital learning opportunities.

II. **Opportunities and Challenges in State Course Access Programs** describes benefits and challenges offered by Course Access programs, with a focus on those relevant to state policymakers.

Part A reviews unique opportunities, including:

- Broadening access to resources and experiences
- Opening opportunities for personalized learning programs
- Establishing pathways for districts to share best practices and expand enrollment
- Creating new positions and advancement opportunities for educators
- Leveraging the potential for states, districts, and schools to work together to take advantage of efficiencies of scale and shared information

Part B describes central challenges, including:

- Creating meaningful foundations for system performance review and assessment
- Reducing – not exacerbating – system inequities (and learning gaps)
- Adequately resourcing programs within state agencies
- Designing and implementing effective, sustainable funding strategies for student enrollments
- Strategically engaging with important stakeholders – particularly school and district leaders, teachers and school counselors, and parents
- Staying out of politics (where possible)

Section II closes with a brief description of relevant lessons learned from the charter school movement and the federal Supplemental Educational Services (SES) program.

III. **Seven Recommended Core Components of Effective State Course Access Programs** provides concrete recommendations to help states identify clear indicators of program effectiveness and develop strategies for assessing and monitoring providers' progress on those indicators. The core components of effective Course Access programs likely include:

1. Meaningful and rigorous state review of prospective providers and/or courses
2. Strong monitoring systems
3. Flexible and sustainable funding models
4. Alignment with the state's broader education systems
5. Deliberate and sustained engagement with districts and schools
6. Effective communication with students and parents
7. Clearly defined student eligibility

IV. **Recommendations to Inform the Creation of a Multistate Network** describes how a multistate collaborative effort could help address challenges and seize opportunities, supporting states' efforts to leverage an important moment in time in a rapidly evolving field that will offer more students the opportunity to benefit from high quality and diverse academic offerings. Core principles for this multistate effort include:

1. Ensuring that rigor and quality are at the core of any enterprise
2. Establishing clear, baseline goals and operational parameters that are capable of adaptation over time (based on technology evolution, evolving models, etc.)
3. Tapping into existing infrastructure, where possible rather than creating new layers of bureaucracy
4. Focusing on time-, resource-, and cost-efficient strategies
5. Embedding a process of meaningful, evidence-based monitoring (including stakeholder engagement) on what's working, what's not, and where change is needed

Section IV also discusses the possibility of the creation of a new reciprocity system for states pursuing Course Access programs.

V. **A Call to Action: Recommended Next Steps** identifies concrete action steps for states and their partners to take, which include:

1. Formalize the establishment of a multistate network focused on Course Access programs, with clear goals, objectives, and strategic points of focus – which include ensuring educational quality, creating effective and efficient review processes, and leveraging the Network to address common areas of concern.
2. Develop an action agenda for the multistate Network.
3. Engage with key stakeholders through robust outreach with relevant national organizations, states, and districts.

Appendix A discusses interstate reciprocity systems and highlights two examples that may be especially instructive to a potential Course Access reciprocity system.

I. Understanding Course Access: An Overview of the Digital Learning and Emerging Course Access Programs

A rich history of education systems offering new opportunities for students to learn, including many recent efforts by states and districts to create digital learning options for students, has set the stage for the emergence of Course Access programs as key components of education systems. This section provides a review of the general landscape of digital learning followed by a brief discussion of the core elements of today's state Course Access programs.

At the outset, it is important to identify the ways in which state Course Access programs are distinctive through a unique model of access and instructional delivery. First, these programs give students and their parents the authority to decide whether to enroll in courses offered through the program, and districts cannot block enrollment unilaterally (although some states give districts the ability to deny enrollment if certain conditions are met, e.g., the student has already taken the course or the course is not aligned with the student's graduation plan). Second, these programs emphasize quality offerings by creating a new level of state review of courses and/or providers before students may enroll. Third, these programs can provide a framework for different types of academic opportunities not necessarily limited to digital learning. For example, Louisiana has allowed for enrollment in blended and in-person courses as well as a variety of digital learning options offered by state-authorized providers.

A. Trends in Digital Learning

Today's digital learning programs in K-12 education, though characterized by cutting edge technology, follow a long tradition of learning outside the traditional classroom. For example, correspondence courses have a long history in the United States of allowing students to learn from a distance, outside traditional classroom environment.[3] And, in the mid-1990s, along with the rise of consumer-focused technology and increasingly broad access to personal computers, the U.S. saw a rise in the number of virtual schools.[4] The two decades of explosive growth in the technology sector that followed gave rise to many models of online education in K-12 public schools in states and districts, demonstrating the significant (and growing) demand for digital learning opportunities.

Digital learning opportunities tend to share a common overarching goal: to expand quality course options for all students, particularly those who require special curricular offerings (e.g., students with disabilities, English Language Learners), those who desire more flexible advanced class options (e.g., blended learning environments, Advanced Placement (AP), or International Baccalaureate (IB) courses), and those who live in underserved areas (e.g., rural communities, high need urban schools). These programs leverage dramatic advancements in technology not historically available in traditional classrooms and likely to be important preparation for college and careers in the 21st century. As the Equity and Excellence Commission (a federal advisory committee chartered by Congress), observed in its 2013 report:

> The federal government should support the development of innovative technologies that can offer specialized courses to all students. We recognize the difficulty of offering high-quality courses such as AP preparation when the schools – urban, suburban and rural – have insufficient demand to support specialized staff or find that they cannot hire the necessary specialists. Fortunately, many of these problems can be solved by new technologies.[5]

But, though opportunities exist, educational quality in digital learning options has been uneven, providers have not been evenly monitored, and policymakers have had a tendency to jump into digital learning for cost savings without evaluating key educational questions first. Educational programs that include digital learning require states to create effective and efficient systems with a rigorous quality control focus – a challenge that requires a significant investment to adapt existing structures to the new, constantly evolving world of online education. Inappropriate funding schemes, limited resources, and uncertain funding mechanisms compound the challenge. As a 2012 report by the U.S. Department of Education observed:

> Policymakers and educators do not yet have the needed rigorous evidence to answer some seemingly basic questions about when, how and under what conditions online learning can be deployed cost-effectively. More research is required to guide the deployment of online

learning to its greatest effect. Research approaches should explicitly consider educational productivity. Organizational research is also needed to understand the incentives and barriers to employing the most cost-effective approaches to quality education for all students.[6]

Indeed, digital learning programs in states and districts have taken a variety of forms. Below, Chart A compares and contrasts six of the most common state and district models for digital learning for K-12 students, including Course Access programs. For example, some programs fully enroll students and provide all instruction for students online, while others serve as supplements to students' learning programs at their brick-and-mortar schools. Most programs involve a single provider for digital learning opportunities, though Course Access programs create a market of state-authorized providers from which students can select. State-created and-administered programs generally receive significant state oversight. District programs receive little state

oversight beyond generic state reporting and accountability requirements, although states vary on how they execute their oversight authority.

Finally, it is important to recognize that there are no silver bullets; each model for digital learning has unique opportunities and challenges and more research is needed on what makes digital learning programs effective for students. Consider the swift rise of massive online open courses (MOOCs), driven initially by a hope that these programs would open higher education's ivory tower to the masses.[7] But completion rates for MOOCs tends to be very low; one study of 17 MOOCs offered by Harvard and MIT found than only about seven percent of nearly 600,000 unique users completed courses in which they had enrolled.[8] Moreover, enrollment has been limited to mostly young, well-educated men who are trying to advance in their jobs – not the individuals that MOOCs were intended to target to expand educational access and opportunity.[9]

Chart A: Common State and District Models for Digital Learning

Type of program	Description	Student experience	State role	Enrollment
State Course Access programs	Programs created by state legislative action and administered through a state agency, provide students across the state with the opportunity to take a course from a state- or district-approved provider and allow funding to follow the student at the course level.	Students are fully enrolled in one brick-and-mortar school, but may access other course options (online or, in some cases, blended or face-to-face classes) offered by a variety of providers.	Significant state involvement, including authorization of multiple providers and/or courses and determination of funding streams.	Enrollments tend to be small in these emerging programs. Minnesota had 9,933 course enrollments. Utah had 819 unique students enrolled in 2013-14 (a 60 percent increase from 2011-12). In Louisiana's first implementation year, 3,424 students from across the state (in both rural and urban districts) requested enrollment in 90 different Course Access courses offered by 21 providers.[10]
Single-district digital learning programs	Individual districts create these online programs that primarily provide in-district students with supplemental learning opportunities. These programs represent the fastest-growing sector of online education.	Students are fully enrolled in one brick-and-mortar school and may access district-created online classes as a supplement to traditional classroom programs.	Very limited state involvement.	Limited state reporting requirements makes enrollment hard to track, but an estimated 75 percent of districts have developed some of their own digital learning options but only about 10 percent of districts (usually large districts in states without statewide virtual schools) offer a comprehensive set of online and blended courses to a significant percentage of students.[11]

Type of program	Description	Student experience	State role	Enrollment
Multi-district consortium for digital learning programs	Multiple districts work together to create these online programs for their students in a more cost- and resource-effective way than single-district programs.	Students are fully enrolled in one traditional school and may access district-created online classes that supplement offerings through traditional classroom.	Very limited state involvement.	Approximately 75 consortia linking districts within a state (and, occasionally, among many states) are operating today.[12]
State virtual schools	These full- or part-time schools are created through state legislative action and administered through a state agency to offer online learning opportunities to students statewide.	Students may be enrolled full-time in the state virtual school, or simultaneously in both a brick-and-mortar school and the state virtual school.	Significant state involvement, including initial authorizing legislation and administrative control.	In 2012-13, an estimated 742,728 students were enrolled in 27 state virtual schools. The largest 10 state virtual schools provide 92 percent of total enrollments nationwide; the largest (Florida Virtual Schools) had 410,962 student enrollments.[13]
Multi-district fully online schools	These online-only schools serve as the primary education providers for students, who are not required to be physically present in a school. These schools are usually run by a state-approved provider and enroll students statewide.	Students are fully enrolled in one online school.	Significant state involvement, including selection of the primary provider and management of student enrollment.	In 2012-13, these schools served an estimated 310,000 students.[14] In 2013-14, 20 states operated multi-district fully online schools without restrictions; nine are operating them with restrictions (e.g., limitations on grade levels, class size, or overall enrollment).
Blended schools	Physical schools that incorporate significant digital learning within their educational programs, but require regular physical attendance. Many blended schools are charter schools.	Students are fully enrolled in one brick-and-mortar school, where they receive instruction both online and in-person.	Very limited state involvement (although some charter schools blended models may need to be approved by a state charter authorizing agency).	Numbers on blended schools are uncertain due to limited state reporting requirements, but, in 2013-14, an estimated 75 fully blended schools are operating in 24 states and Washington, DC.[15]

B. The Emergence of State Course Access Programs

State Course Access programs allow K-12 students to access to a variety of quality courses outside the four walls of their school (where they remain enrolled). These programs offer students expanded curricular programs and alternatives that meet their unique learning styles and needs – and usually give students the right to enroll in programs, subject to a few limitations (e.g., the course has to fit into the student's graduation plan, the student must not have already passed the course). Participating students receive both state funding and full class credit for completion of a state-approved Course Access program, consistent with beginning trends among states.

Course Access programs are intended to provide students with expanded access to educational opportunities by supplementing existing curricular options offered by students' schools with courses offered by third party providers in online, blended, and/or face-to-face formats (depending on the state). Eligible providers vary from state to state, but can include other districts, charter schools, independent nonprofit and for-profit companies, coalitions of teachers, colleges and universities, and trade associations.

Though many states are developing Course Access programs, important differences exist among them, with varying standards, policies, practices, and "triggers" for application and enforcement embedded in current state legislation. States do not even uniformly use the term "Course Access,"

with some states preferring alternative terms such as "course options" and "supplemental online programs."

Chart B below describes key elements of Course Access programs in Arizona, Florida, Georgia, Louisiana, Michigan, Minnesota, Oklahoma, South Carolina, Texas, Utah, Virginia, and Wisconsin. Elements reviewed include:

- Grade levels
- Type of eligible courses
- Type of eligible providers
- Limits on student enrollment
- Course prices
- Funding source
- Funding disbursement to provider

Chart B: Key Elements of State Course Access Programs

State	Grade levels	Type of eligible courses	Type of eligible providers	Limits on student enrollment	Course prices	Funding source	Funding disbursement to provider
AZ	Local decision	Online	In-state districts, in-state charters, third party providers	Local decision	85% per-pupil allotment for traditional courses	Deducted from per-pupil	Disbursed on per-pupil schedules
FL	K-12	Online	In-state districts, in-state charters, third party providers	TBD	TBD	TBD	TBD
GA	3-12	Online	In-state districts & charters	No	Flat fee per course	Deducted from per-pupil	Disbursed on per-pupil schedules
LA	K-12[16]	Online, blended, face-to-face	In-state districts, in-state charters, third party providers	No more than 5/6 credits per semester	Varies	Special state allocation ($26/student in grades 7-12 in each district)	50% up front; 50% when course is complete
MI	6-12	Online	In-state districts, charters, third party providers	2 courses per year[17]	No more than 1/12 per pupil per semester	Deducted from per-pupil	80% up front; 20% when course is complete
MN	K-12	Online	In-state districts & charters	50% of the school day	1/12 per-pupil (or proportionate amount)	Deducted from per-pupil	100% funding dependent on student completion

State	Grade levels	Type of eligible courses	Type of eligible providers	Limits on student enrollment	Course prices	Funding source	Funding disbursement to provider
OK	K-12	Online	In-state districts & charters	Up to 5 hours per day	No more than the pro-rated portion of the previous year's per pupil total	Varies (but districts are responsible)	100% funding dependent on student completion
SC	6-12	Online	In-state districts & charters	3 units per year; 12 total units	Varies	State funds or student tuition	Varies
TX	3-12	Online	In-state districts, in-state charters, third party providers	3 yearlong courses per year[18]	Flat fee per course (up to $400)	Varies, depending on type of provider	Varies (full-time online schools receive 100% on student completion; statewide catalog providers receive 70% up front and 30% on completion)
UT	K-12	Online	In-state districts, in-state charters, & third party providers	3 credits in 2013-14; 4 in 2014-15; 5 in 2015-16; and 6 thereafter	Flat fee per course ($200-350)	Deducted from per-pupil	50% up front; 50% on student completion (30% if student completes the course but not on time)
VA	K-12	Online	In-state districts, in-state charters, third party providers[19]	Local decision	Local decision	Tuition may be charged to out-of-district students[20]	Local decision
WI	K-12	Online	In-state districts & charters	2 courses per year	Varies	Varies (but districts are responsible)[21]	Disbursed on per-pupil schedules

Opportunities and Challenges in State Course Access Programs

Early adopter states have exhibited attention to a common set of issues, including efforts to establish and define state agencies' responsibilities in vetting providers and ensuring quality in student learning experiences. For many states, this is a new role that requires state actors to enter a space historically in the province of districts, schools, and individual educators. This responsibility not only requires a significant investment of time and resources to develop new state systems, but also compels engagement with districts, schools, and educators to achieve policy and program goals. As state, district, and school leaders engage on these issues, they need a clear understanding of the opportunities and challenges of Course Access programs.

A. Opportunities in Course Access Programs

Although state Course Access programs are part of a larger digital learning movement, they are distinctive in part because of the breadth of the potential array of education opportunities that may be provided to students and offered to educators, as well as the efficiencies that may be leveraged through effective collaboration and coordination among state and district leaders and other key stakeholders.

Unique opportunities in Course Access programs include:

- **Broadening access to resources and experiences.** Education systems are necessarily limited in the breadth and depth of curricular offerings they can offer "in-house" for students, with large and small systems alike struggling to meet a wide range of unique student needs and interests given budget constraints, a lack of qualified instructional personnel, and underdeveloped curricula and/or classroom materials. Perhaps the greatest opportunity in Course Access lies in its potential to bring quality educational opportunities to all students, regardless of their geographic location or school assignment. States can help every school expand the curricular catalog they can offer, particularly in specialized coursework, under-resourced areas,

and hard-to-staff subjects. States should give serious consideration to multiple modalities and subjects. For example, states may bridge Course Access programs with goals to expand Career and Technical Education, advanced academic courses (e.g., AP or IB programs), and wraparound services (including counseling), as appropriate. States should take care to ensure that the promise of Course Access is backed by rigorous review processes and an unrelenting demand for quality in providers and programs.

- **Opening opportunities for personalized learning programs.** Traditional education systems work on the basis of regular schedules, one-size-fits-all learning programs, seat time requirements for students, and students learning material at the same pace. These systems have a tendency to leave certain learners behind, often those who are struggling with the material and need more targeted assistance or support — and those students who may be able to accelerate their learning but may become bored and unmotivated as they wait for the rest of the class to "catch up."[21] As Michael Horn, co-founder and executive director of the Clayton Christensen Institute, has observed, "Given that each student has different learning needs at different times and different passions and interests, there is likely no school, no matter how great, that can single-handedly cater to all of these needs just by using its own resources contained within the four walls of its classrooms."[23] Even leaders of the one time "old guard" education institutions, such as accrediting agencies, recognize the need for transformation of systems and are leading the way toward that fundamental change. As Mark Elgart, CEO of AdvancED, has explained, "We must embrace allowing students to learn their way by offering different learning experiences that will expand the breadth and depth of our educational offerings."[24]

By creating new expanded opportunities for students to access the courses that are best suited to their individual interests, needs, and abilities, Course Access programs promise to help students break away from a one-size-fits-all model and create the learning

program that suits them best. For many students, digital learning can be an attractive and effective supplement to their traditional program. As described in a 2012 Department of Education report, digital learning can increase educational productivity in five key ways: "(1) Broadening access to resources and experiences; (2) Engaging students in active learning; (3) Individualizing and differentiating instruction; (4) Personalizing learning; and (5) Maximizing teacher and student time."[25] Course Access programs can be a powerful mechanism for states to open these opportunities and increase educational productivity through digital learning for K-12 students.

- **A pathway for districts to share best practices and expand enrollment.** Many states emphasize cross-district sharing in Course Access programs (in fact, some states have made this the exclusive focus of the current programs), but states have not always actively encouraged districts to take advantage of this opportunity. Given that Course Access programs are likely to affect districts' budgets (or at least create a perception of disruption), states should emphasize the opportunities inherent in Course Access for districts to share their programs and attract out-of-district student enrollments. Using a statewide authorization process for providers will also create efficiencies and infuse new capacity into districts' ability to supplement traditional classroom programs. This may be especially true for under-served and under-resourced schools and districts.

- **New positions and advancement opportunities for educators.** States, districts, and schools can explore new instructional positions and advancement opportunities for highly effective educators to share their courses and support instruction to larger pools of students. Those educators who have successfully developed digital learning programs for their districts may be energized and rewarded by offering these programs to a new pool of students – creating an opportunity for districts to reward and recognize them.

- **Strong potential for states, districts, and schools to work together to take advantage of efficiencies of scale and shared information.** States are likely to work with a similar group of providers for their Course Access programs. Developing formal and informal means of sharing information about providers, courses, and policy structures is likely to produce a more complete picture of performance. For example, five complaints about one provider in a state may not be enough to merit significant state investigation or action. But if the state also knows that the same provider received multiple complaints in other states, it may be more likely to look deeper into the provider's performance and ability to deliver quality programs to students. A significant benefit

of online programs in particular is their scalability and reach – states should not neglect these benefits in their own monitoring and review regimes.

B. Challenges in Course Access Programs

Though important foundations have been laid for state Course Access programs, significant challenges remain. Simply put, states need to do more to ensure the full attainment of the opportunities and benefits presented by Course Access. State leaders should identify appropriate policy incentives that will drive robust quality and delivery on a sustainable platform that can adapt to innovation, evolve to meet changing demands, and leverage important lessons from research and practice.

Central challenges to address include:

- **Creating meaningful foundations for system performance review and assessment.** States should ensure that their Course Access systems are implemented and maintained in accordance with state legal requirements and policy directions. Course Access programs implicate a wide range of actors (some of whom will have rarely, if ever, interacted before), and states should take care to develop foundations for effective state oversight. To emphasize the importance of support from districts and educators, states should aim to include representatives of these groups on state review panels whenever possible.

  Even if a state places a strong value in local control over Course Access programs, it can establish certain safeguards to encourage compliance with state laws and regulations. Minnesota, for example, uses a "Continuous Quality Improvement Process" approach for its three-year review cycle for all approved providers.[26] This process was implemented in 2012, in response to a 2011 state audit report that led to a charge to "make the reapproval process more meaningful." Building on providers' required annual updates, the three year review process requires providers to conduct a comprehensive self-study at the end of the cycle that is assessed by a four-member volunteer review team (all of whom must have relevant experience or expertise). Results from the first year of implementation of process showed that the state had significantly more meaningful and complete information to assess providers' performance on state requirements and expectations. Many providers also found the process to be meaningful, and plan to continue to build on the lessons learned during the process after the review concludes.

An audit process has also taken place in Utah, where the 2011 Course Access legislation included a provision that required the state auditor general to conduct an audit of online programs during the 2013-14 school year.[27] In February 2014, the Utah State Board of Education released the audit report, prompted in part by "[n]umerous complaints . . . centered on inadequate [district] supervision of programs run by contractors and taxpayer dollars funding programs that do not comply with law or Board rules."[28] Utah values local control and discretion on many of its Course Access program components, but auditors found many areas of concern with local fidelity to state requirements and expectations. The state auditors found a significant difference between programs managed by districts and those managed by third party contractors on behalf of districts. The district-run programs "appear to have developed some practices and minimum standards that try to maintain fidelity to most state laws and Board rules."[29] The contractor-run programs, in contrast, "appear to be missing minimum standards and supervision from the [district] to ensure compliance with state laws and Board rules."[30] Specific issues ranged from non-compliance with the federal Family Educational Privacy Rights Act to inconsistency in review and authorization processes for third party vendors to unclear State Board rules on issues including truancy, educator licenses, and assessment-related ethics rules.[31]

- **Reducing – not exacerbating – system inequities (and learning gaps).** States should be careful that Course Access opportunities do not extend or increase learning or opportunity gaps. Ensuring that the options provided to traditionally underserved students are of equivalent or better quality and rigor to those provided to better served populations of students is a particularly important function of the state in its Course Access program. Indeed, issues of access go well beyond simply creating a Course Access program, and implicate issues related to students' backgrounds, access to technology, transportation options, and parental support. Indeed, better served students may be better positioned to seek out, navigate, and demand Course Access programs to meet their needs. To avoid exacerbating inequities, Course Access programs should be designed to offer more support and outreach to underserved students, and to create student eligibility rules that allow for equitable access to Course Access opportunities. Rigorous authorization processes and monitoring systems likely play an essential role in this process, as well as robust engagement efforts to make Course Access opportunities known and understood throughout the state, particularly in rural and high-need districts and schools. States should take special care to ensure that

students with disabilities and English language learners receive equitable opportunities, and that Course Access providers comply with relevant state and federal legal requirements for these student populations.

- **Adequately resourcing programs within state agencies.** State departments of education already do more with less, and state legislators must ensure that sufficient resources are allocated to Course Access programs to allow for responsible implementation and ongoing continuous improvement of systems. Every Course Access bill should include the provision of support for the relevant state agency's review process, whether conducted internally or with the support of an external reviewer. An informal survey conducted by the authors of state officials overseeing Course Access programs revealed that states dedicate between 1.5 and 6 full-time employees to the Course Access review and monitoring process.[32] And even those states with sufficient state agency staff capacity need to be willing to work proactively on legislative and regulatory mandates. Similarly, resource needs of districts should be fully considered as state policies are developed.

- **Designing and implementing effective, sustainable funding strategies for student enrollments.** Course Access programs are likely to change expectations for state funding of K-12 education, including (potentially) the state's per-pupil funding formula. These changes should be pursued in full consultation of school and district leaders. Given that schools and districts are essential contributors to a quality, effective Course Access program, states should guard against unnecessary battles whenever possible (such as those that occurred during the adoption of supplemental education services (SES) models in the wake of No Child Left Behind, discussed below). Collaboration as part of program design – including funding models – should be a priority.

- **Strategically engaging with important stakeholders – particularly school and district leaders, teachers and school counselors, and parents.** States must manage competing interests between their Course Access program and districts' and schools' traditional authority over students' course schedules and credit awards. This shift in control over students' schedules and the new funding structures that come with it pose a host of new challenges to districts, which are already experiencing significant changes in curriculum and personnel policies. Though most states with a Course Access program permit districts to serve as providers for students across the state, provided that they meet state criteria and pass the state review process, most states have not taken formal steps to encourage districts' participation.

- **Staying out of politics (where possible).** Course Access programs are emerging at a very challenging time in public education. Pressure on states and districts is mounting through the convergence of efforts to transform education systems through the implementation of college and career ready standards, new accountability systems, teacher evaluation policies, and technology-driven learning opportunities. Course Access programs may be viewed as one more state initiative created without the input of practitioners and others in the field. Moreover, public concerns about privacy and bad actors among online providers underscore the need to plan and communicate proactively about the state's vision for Course Access programs, and what responsibilities and opportunities different groups and individuals hold. Rising above politics will require careful policy planning that acknowledges and responds to the limitations and tensions associated with Course Access programs. States should continually emphasize the ultimate purpose of Course Access: expanding opportunities for more students to access rigorous offerings from vetted, accountable providers.

Building on these identified opportunities and challenges – and drawing on lessons from charter school authorization and the federal SES program – Section III identifies six recommended elements of effective state Course Access programs.

Learning from Past Efforts:
Charter School Authorization and the Supplementation Educational Services Program

Though Course Access programs are still in their infancy, these imperatives are not new. Other innovative programs in recent years have faced many of the same obstacles, and have not always succeeded in surmounting them.

In the early days of the ***charter school movement***, for example, many states pursued a "let a thousand flowers bloom" strategy, liberally approving charter applicants rather than using a rigorous and selective review and monitoring processes.[33] This approach likely contributed to the very mixed landscape of charter school performance and accountability. A 2004 study by the U.S. Department of Education found that more than half of the charter schools in Colorado, Illinois, Massachusetts, North Carolina, and Texas were meeting state performance standards – but that charters were less likely to meet performance standards than traditional public schools.[34]

Nearly a decade later, researchers observed that the "large variance in the performance of charter schools is no longer news,"[35] but elements of quality in charter authorizing have emerged and been embraced in states throughout the country. The National Alliance for Public Charter Schools emphasizes the importance of meeting accountability standards and laws applicable to all public schools.[36] And the National Association of Charter School Authorizers' (NACSA) *2012 Principles & Standards* endorse indicators for quality in authorizing throughout the life of the charter, from the initial application to performance contracting to ongoing oversight and evaluation and, finally, to revocation and renewal decisions.[37] Particularly instructive for policymakers developing Course Access programs is NACSA's emphasis on agency commitment and capacity as the charter authorizer "engages in chartering as a means to foster excellent schools that meet identified needs, clearly prioritizes a commitment to excellence in education and in authorizing practices, and creates organizational structures and commits human and financial resources necessary to conduct its authorizing duties effectively and efficiently."[38]

Another instructive example lies in the federal ***Supplemental Education Services program (SES)***, which – like Course Access programs – attempted to enhance students' in-school experience with external providers but with (at best) very mixed results. SES was authorized as part of No Child Left Behind (NCLB) and mandated specific interventions for Title I schools failing to make adequate yearly progress (AYP) toward state benchmarks. Districts were required to pay the cost of a third-party after-school tutoring service for eligible students, with a 20 percent cap on a school's use of Title I funds for SES and related transportation.[39] A review of state and local NCLB implementation sponsored by the U.S. Department of Education found that SES had no statistically significant effect (either positive or negative) on achievement among participating students.[40]

Warning signs from the SES experience that may be informative for states developing Course Access programs include:

- **Mismanaged communication and collaboration.** Because NCLB established SES as a third-party intervention, little communication took place between SES providers, school administrations, and teachers. About half of all districts failed to give timely notification to parents, often due to delays in receiving accountability results from their states and/or funding shortfalls.[41]

- **Insufficient accountability and monitoring.** Despite a requirement that after-school curriculum be aligned with standards and focus on student achievement, little concrete evidence exists on what SES programs actually do beyond what the providers advertised on their websites.[42] For example, some studies found that students received less instructional time than what was advertised or invoiced by providers.[43]

- **Failure to serve special populations of students.** In a 2006 review of SES implementation, 42 percent of districts surveyed did not have a provider that could serve students with disabilities and 51 percent had no provider to serve English language learners.[44]

These issues were compounded because providers had discretion over how much to charge districts, meaning that prices per pupil varied widely, even within the same district.

III. Seven Recommended Core Components of Effective State Course Access Programs

Core components of effective state Course Access programs likely include:

1. Meaningful and rigorous state review of prospective providers and/or courses

2. Strong monitoring systems

3. Flexible and sustainable funding models

4. Alignment with the state's broader education systems

5. Deliberate and sustained engagement with districts and schools

6. Effective communication with students and parents

7. Clearly defined student eligibility

To take advantage of the opportunities and address the challenges inherent in Course Access programs, states, working with partners, must identify clear indicators of program effectiveness and develop strategies for assessing and monitoring providers' progress on those indicators.

Expanded opportunity and greater efficiency should not mask the imperative of establishing policy parameters and conditions squarely focused on robust quality of content and delivery, consistent with the learning objectives for the students served by Course Access programs. That said, states should make policy determinations that make sense given their unique state contexts, priorities, needs, and goals. As described in Section II, there has been notable diversity among early adopter states in approaches to Course Access. And a variety of Course Access models can result in success through expanded learning opportunities and improved academic outcomes for students. Nothing in these recommendations to forge a common platform of inquiry and investment should fundamentally detract from inherently context-driven policy judgments by states.

No matter the unique state context, however, seven core components of effective Course Access programs likely include the following. Please note that these components will be refined and expanded over time as state programs mature.[45]

1. Meaningful and rigorous state review of prospective providers and/or courses

Though review processes can and should vary depending on the unique state context and state Course Access program structure, states must not allow review processes to be cursory compliance checks without a sharp focus on educational quality. States may be able to work together to identify common baselines and potential cross-state efficiencies in the review process. Potential elements of this to address in this baseline include:

a. Quality instructional materials and methods (e.g., formative assessment) with clearly defined, measurable course objectives that are aligned to state standards

b. Effective, transparent student engagement in recruitment and enrollment, support services, and other efforts to ensure student satisfaction

c. Effective instructors

d. Organizational strength, demonstrated by accreditation and/or prior performance (measured, for example, through completion rates, student growth) as well as financial health and stability

e. Commitment to a continuous improvement process

2. Strong monitoring systems

The authorization process should not be the only time where the state looks closely at providers and the courses they offer. States should work to develop systems that provide both summative and real-time feedback on student progress and achievement. These systems should include a process to evaluate and track student progress and completion and mechanisms to hold providers accountable for ensuring that students are learning and earning appropriate credit. Other ongoing issues to monitor include: student data security and use; accommodations for students with special needs; transparency regarding provider practices; and system integration (e.g., credit awards and transfer).

Depending on the context, a state may create a robust monitoring process within the state education agency or – particularly if districts already play a significant role in provider approval – a state may establish baseline requirements for districts to carry out within locally designed monitoring systems. States and districts may consider working with accrediting agencies for a more complete picture of provider performance. (Many states already use accreditation as an initial requirement for provider approval.) Based on examples from early adopter states, an audit of state review and monitoring processes may be an important preliminary step to inform changes that are needed to develop more robust and effective monitoring processes, particularly if the audit results in clear direction and responsibility for making changes.

3. Flexible and sustainable funding models

The great diversity of learning opportunities possible through Course Access programs means that state authorization and oversight systems must account for the many unique learning programs, types of providers, grade levels and student age groups, and school and district contexts. States have new opportunities to emphasize student outcomes as part of these new funding models, as well as more accurately accounting for the cost of a course.[46] States should consider phasing in any new funding model, providing districts with time and support to adjust to this change in financial practice. And state departments of education must have adequate funding and dedicated staffing to administer Course Access programs, which may be supported (in part) by reasonable fees paid by prospective providers. Correspondingly, districts should have the right kinds of resources (and flexibility regarding those resources) to partner effectively in any Course Access regime. Policymakers likely need to engage proactively with state legislatures for all funding decisions.

Based on the experiences of early adopted states, the following elements of a funding model for Course Access programs may be considered. A comparison of these three elements across several states with Course Access programs can be found in Section I of this paper.

a. *Flexible funding amounts for courses, depending on the nature of and resources required for different subjects and specialties.* In 2013-14, Louisiana provided many different funding levels for different courses depending on the nature of the course and the necessary course materials. Prices ranged from $275 for online elective courses such as Sociology to $1,325 for more resource-intensive in-person welding courses.[47] Utah also uses a flexible course funding program.

b. *Limiting effects on districts' budgets.* Louisiana, for example, used a separate pool of state funds to provide for the first year of student enrollments, and its initial formula reserved ten percent of the total cost for a Course Access enrollment for districts to cover administration costs.[48]

c. *Payment disbursement that emphasizes students' continued enrollment in and completion of courses.* In Utah, providers receive half of fees after the withdrawal period, and half if the student completes the course on time. Even if s/he does not complete the course on time, a student may continue to be enrolled in the course until s/he graduates from high school. If the student eventually completes the course, providers receive 30 percent of the original fee "[t]o encourage an online course provider to provide remediation."[49]

4. Alignment with the state's broader education systems

Because students earn full credit for completion of Course Access offerings, the state must ensure that systems are ready to record it. This means that, prior to any student registering for a course, the provider and state should work together to provide the relevant course number for every offering and to establish systems to verify student identities (in compliance with any relevant state or federal privacy policy). The state should also work with districts to make sure that district systems have the ability to accept these courses on student transcripts and records. During the course, providers should establish regular feedback loops with students and their schools to encourage student progress toward course completion. And, upon course completion, providers must plan for students to take any required state

assessments, including an exam administration policy and timely reporting system. States should include questions about each of these phases of the process as part of providers' annual monitoring reports.

5. Deliberate and sustained engagement with districts and schools

As key partners in any state Course Access enterprise, districts and schools can play a vital role in helping shape the state's policy choices. For example, districts could be represented on state review and monitoring panels of providers and/or courses within the state's Course Access program. The state could provide technical assistance and training for district leaders, guidance counselors, teachers, principals, and other key district constituencies to help them understand the purpose of the Course Access program, the intended benefits, and the potential contributions that each constituency can make.

6. Effective communication with students and parents

States should ensure that information about Course Access programs is clear, widely-disseminated, and easy to access. To effectively reach parents of all backgrounds, the state should move past merely digitizing the academic catalog and put user access and engagement at the center of strategic decisions. As with districts, the state should consider strategies to educate and empower students and parents on Course Access opportunities.

7. Clearly defined student eligibility

States should ensure that clear standards exist in legislation and code that define student eligibility and identify means for student access to Course Access programs. These standards should provide clear guidance to districts, schools, students, and parents to preclude potential abuse of the system and potential misapplication of the standards.

These seven core components will require significant investment of time and resources to achieve. And, given significant pressures on education systems today, states may not be able to make the necessary investment working along. But, given the emergence of Course Access programs in multiple states, an opportunity exists to bring states together to work collaboratively on shared challenges, tap into resources that may be shared across states, and connect states with national organizations and leaders that can provide additional expertise. Sections IV and V provide recommendations for how to do just that.

IV. Recommendations to Inform the Creation of a Multistate Network

Among state-level initiatives to expand K-12 students' access to digital learning, Course Access programs stand out as ripe for cross-state (and cross-district) collaboration. A well-developed multistate network has the potential to address challenges and seize opportunities, supporting states' efforts to leverage an important moment in time in a rapidly evolving field. *The effort can help states establish robust quality control measures for online courses and providers, expand the number of quality online course options available to students (particularly those who have been underserved), and take advantage of efficiencies of scale to lower costs of initial authorization.* More concretely, the multistate network could be the foundation for a spectrum of efforts to support states, from informal exchanges of best practices to the development of a common application for preliminary authorization of providers to a formal reciprocity system for provider authorization and/or course approval.

Course Access programs require states to take on a new role of assessing course providers and courses for quality and monitoring performance over time, a role which likely requires states to expand its mindset of what Course Access can entail, e.g., moving from leading a single state virtual school to managing a portfolio of third party providers. Defining and carrying out this new role will require significant time, resources, and innovative thinking that states may not have working alone – but could have working in collaboration with similarly-situated states. And because states are likely to encounter many of the same prospective providers, states can develop more comprehensive, efficient, and effective monitoring mechanisms by working together. A network also can provide a forum for states to share best practices to support continuous improvement of Course Access programs and may be the central foundation for the development of a multistate reciprocity system for Course Access programs and/or courses.

The proposed multistate network would adhere to the following core principles:

1. Ensuring that rigor and educational quality are at the core
2. Establishing clear, baseline goals and operational parameters that are capable of adaptation over time (based on technology evolution, evolving models, etc.). These goals may include:
   - Creating common, high quality criteria and mechanisms for states to assess online course providers,[50]
   - Increasing the number of quality online course options for students as an enhancement and supplement to existing K-12 programs,
   - Taking advantage of efficiencies of scale and, ultimately, lowering costs associated with program review and authorization,
   - Freeing up state resources for monitoring for consistent quality and performance and taking action against providers that do not meet standards and expectations,
   - Sharing best practices among participating states,
   - Establishing a basis for future joint activities (e.g., shared online course catalog service, shared parent/student feedback service, etc.), and
   - Working together to achieve state visions for Course Access programs.
3. Tapping into existing infrastructure, where possible, rather than creating new layers of bureaucracy
4. Focusing on time-, resource-, and cost-efficient strategies
5. Embedding a process of meaningful, evidence-based monitoring (including stakeholder engagement) on what's working, what's not, and where change is needed

Another promising component of a multistate collaboration strategy involves the establishment of a multistate network of reciprocity for Course Access programs, which could build on a rich history of states voluntarily working together on a variety of issues, including education-related issues such as postsecondary distance learning and teacher certification. Two potentially relevant examples of reciprocity are discussed below.

The **National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement for Educator Licensure** provides a mechanism for

teachers, administrators, and support professionals licensed in one state to be accepted in another.[51] The agreement has 47 state signatories for the 2010-15 agreement. Although not a guarantee that every that every licensed educator will be accepted in all signatory states, the agreement makes it possible for an educator who completed an approved program and/or who holds a certificate or license in one jurisdiction to earn a certificate or license in another state or jurisdiction. Member jurisdictions may limit authorization of educators in time and/or impose additional requirements.

Another useful model may be the **State Authorization Reciprocity Agreements (SARA)**, which calls for a single set of baseline standards and procedures to regulate postsecondary distance education programs.[52] The reciprocity system will ensure institutions can easily operate distance education programs in multiple states as long as they meet the regulatory requirements of their home state. The proposed multistate system is expected to simplify the regulatory process for states because it allows them to focus on the institutions with which they have the most obvious relationship. Moreover, the home state acts as the default forum for complaints against their home state institutions and to work with other participating states to share information about institutional performance (particularly bad actors in the system).

Both of these models are discussed in more detail in Appendix A. Just as reciprocity has been used to recognize teacher certifications and to simply state regulation of postsecondary distance education, it could also serve as model for inter-state collaboration, monitoring, and program evaluation in Course Access programs.

In the Course Access context, states could develop a system for accepting another state's authorization of a provider or a course based on a common baseline of standards for evaluation and monitoring. The development of this common baseline could help states identify common interests and share policies and practices that lead to the most effective evaluation and monitoring possible. Even if a state is unable or unwilling to accept full reciprocity for providers and/or courses, authorization by another state could put a provider or course on the "fast track" for authorization in the second state. In short, reciprocity has the potential for states to enjoy efficiencies of scale and work together to increase rigor as they implement and institutionalize their Course Access programs.

V. A Call to Action: Recommended Next Steps

There is a clear opportunity for establishing the multistate network, through which states may create a multistate system of reciprocity, develop various voluntary shared services, and facilitate the ongoing development of quality in online education. States and their partners can work together to leverage this opportunity through the following recommended next steps.

1. **Formalize the establishment of a multistate network focused on Course Access programs, with clear goals, objectives, and strategic points of focus – which include ensuring educational quality, creating effective and efficient review processes, and leveraging the Network to address common areas of concern.** The formal establishment of the Network should include a first step of establishing timelines for each of the contemplated strands of activity relevant to strategies.

2. **Develop an action agenda for the multistate Network.** The Network should formalize its mission and goals early in its development, and identify those short- and longer-term efforts to work toward them. States have had strong interest, for example, in the development of a common application used by any interested state for Course Access providers. States may also consider engaging with vendors or other partners to identify potential multistate resource-sharing opportunities (e.g., expanding Louisiana's Agilix software/online platform; using GreatSchools to collect student satisfaction data from courses). Finally, and more broadly, states should continue to hold actionable discussions about the opportunities and challenges implicated by their Course Access work – and identify steps that the multistate Network can take to help address these.

3. **Engage with key stakeholders through robust outreach with relevant national organizations, states, and districts.** The Network should be open to a variety of state actors, with an emphasis on visible decision makers and key administrative personnel. These state Network members should have frequent opportunities to engage with policy and thought leaders, content experts, and (potentially) providers. The Network should also create a process to engage with districts (through the Network, through states' own efforts, or in combination).

Taken together, these steps promise to create energy and interest around Course Access, to provide meaningful opportunities for states to receive real-time assistance with their programs, and – most importantly – to bring stakeholders together to create the best possible learning opportunities for students.

Recommended next steps include:

1. Formalize the establishment of a multistate network focused on Course Access programs, with clear goals, objectives, and strategic points of focus – which include ensuring educational quality, creating effective and efficient review processes, and leveraging the Network to address common areas of concern.

2. Develop an action agenda for the multistate Network.

3. Engage with key stakeholders through robust outreach with relevant national organizations, states, and districts.

Appendix A: Background on Interstate Reciprocity Systems

Reciprocity is a relationship between two or more states by which each state agrees to honor the laws or policies of the others. Reciprocal agreements allow for a mutual exchange of benefits or privileges and promote efficiency and uniformity across state lines.

Reciprocal agreements of varying shapes and sizes are common across many different areas of law. More than 200 interstate compacts are in operation today. On average, each American state is member to 25 compacts.[53] The Uniform Commercial Code (UCC), for example, governs sales and other commercial transactions and has been adopted by all 50 states. Thirty seven states have entered into reciprocal agreements with one or more other states in order to recognize out-of-state concealed carry permits. Other examples include drivers licensure, nurse licensure and teacher certification.

Mechanisms for reciprocal agreements can vary significantly in rigidity. Some do not allow much deviation from the general agreed-upon standards, whereas others allow states to impose additional requirements or modifications. How rigid the agreement is will depend on its purpose. The UCC does not allow any substantial changes to the agreement in order to guarantee uniformity, the central goal of the agreement. Reciprocal agreements for concealed carry permits, on the other hand, are typically less rigid and allow for states to impose additional training or safety requirements.

The **National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement for Educator Licensure** may provide a particularly useful model for a potential reciprocity system for K-12 Course Access programs.[54]

- **Clear purpose that meets a national need:** The agreement provides a mechanism for teachers, administrators, and support professionals licensed in one state to be accepted in another.

- **Broad adoption:** The agreement has 47 state signatories for the 2010-15 agreement.

- **Simple requirements:** The overarching agreement itself is only six pages and focuses on common definitions of key terms and three essential components for license reciprocity: completion of a bachelor's degree, supervised clinical practice, and planned program of study.

- **Flexible reciprocity mechanism:** Although not a guarantee that every that every licensed educator will be accepted in all signatory states, the agreement makes it possible for an educator who completed an approved program and/or who holds a certificate or license in one jurisdiction to earn a certificate or license in another state or jurisdiction. Member jurisdictions may limit authorization of educators in time and/or impose additional requirements. Alaska, for example, requires completion of courses in Alaskan history and culture before recognizing an out-of-state license. Others require a minimum GPA or a certain number of years of experience.

- **Effective governance structure:** The agreement is managed by NASDTEC and renegotiated every five years. The interstate agreement is a collection of individual statements made by states that lays out their requirements for recognition of out-of-state licenses.

Another useful model may be the **State Authorization Reciprocity Agreements (SARA)**, as designed by the Commission for the Regulation of Postsecondary Distance Education. Please note that SARA is not yet in effect, though implementation began in 2013 and is ongoing.[55]

- **Clear purpose that meets a national need:** The current regulation of postsecondary distance education in the United States is a patchwork quilt – states have very different regulatory systems that can be expensive and cumbersome for colleges that offer distance education programs to navigate. SARA calls for a single set of baseline standards and procedures to regulate postsecondary distance education programs. The reciprocity system will ensure institutions can easily operate distance education programs in multiple states as long as they meet the regulatory requirements of their home state.

- **Voluntary system that draws on existing resources:** States are not required to join SARA, but most are expected to join SARA over the next few years. One reason for this expectation is that SARA relies on existing requirements and existing organizations that already facilitate cross-state collaboration (the regional compacts).

- **Defined roles for states:** The home state of an institution will be responsible for regulating and overseeing that institution's work nationwide. The home state regulation will include applying standards for institutional quality, consumer protection, and institutional financial responsibility. Beyond these national baseline standards, home states may require additional oversight and regulation of its schools as it sees fit. Other participating states may not regulate non-home state institutions that have been properly approved by their home states unless the institution has a "physical presence" in the state. (Note: Most regulatory activity over the last two decades has involved defining the concept of physical presence, which is a significant contributor to the patchwork quilt of regulation. A core concept in the Commission's recommendations, therefore, is a proposed definition of physical presence for all participating states.)

- **States may accrue secondary benefits:** The proposed multistate system is expected to simplify the regulatory process for states because it allows them to focus on the institutions with which they have the most obvious relationship. Moreover, the home state acts as the default forum for complaints against their home state institutions and to work with other participating states to share information about institutional performance (particularly bad actors in the system).

Endnotes

1. States use several different terms to refer to their programs, including "course choice," "course options," "multidivision online providers for virtual schools," and "supplemental course academy," among others. For clarity in this white paper and complementary communications efforts, we join iNACOL, the Clay Christiansen Institute, and the Thomas B. Fordham Institute in using "Course Access" as a term of art to refer to a set of state policies with common elements – but we encourage states to use the terminology that works best for their unique contexts.

2. Will Sentell, New program offers nontraditional classes, The Advocate (Oct. 29, 2013), theadvocate.com/news/7436074-123/new-state-programs-offers-non-traditional.

3. The first reference to a formalized distance education program dates back to a 1728 advertisement in the Boston Gazette; by the early 20th century, several universities in Europe and the United States were offering distance learning programs. BÖRJE HOLMBERG, THE EVOLUTION, PRINCIPLES AND PRACTICES OF DISTANCE EDUCATION (2005), available at: http://www.uni-oldenburg.de/fileadmin/user_upload/c3l/master/mde/download/asfvolume11_eBook.pdf.

4. Michael Barbour & Thomas Reeves, The Reality of Virtual Schools: A Review of the Literature, 52 COMPUTERS & EDUC. 402 (2009).

5. Equity and Excellence Commission, For Each and Every Child: A Strategy for Education Equity and Excellence 26 (2013), http://www2.ed.gov/about/bdscomm/list/eec/equity-excellence-commission-report.pdf.

6. U.S. Dep't of Educ., Understanding the Implications of Online Learning for Educational Productivity, http://www2.ed.gov/about/offices/list/os/technology/implications-online-learning.pdf.

7. A MOOC is an online course that is offered free of charge to a very large (or, in some cases, unlimited) number of participants. MOOCs usually include lectures, assigned readings, assignments, and assessments and have a defined end point. Recently, several leading colleges and universities joined together to offer MOOCs through collaborative organizations such as edX and Coursera.

8. Andrew Dean et al., HarvardX and MITx: The First Year of Open Online Courses, Fall 2012-Summer 2013 (2014), available at: http://ssrn.com/abstract=2381263.

9. G. Christensen et al., The MOOC Phenomenon Who Takes Massive Open Online Courses and Why? (2013).

10. Keeping Pace, Table 3: State-supported Course Choice Programs, http://kpk12.com/cms/wp-content/uploads/EEG_KP2013-table-3.png. Utah State Office of Education School Finance, Statewide Online Education: Report of FY13 1 (Nov. 6, 2013), http://www.schools.utah.gov/legislativematerials/2013/Nov/StatewideOnlineEducationProgramReport2013.aspx; La. Dep't of Educ., LDOE Press Release: Students On Course Choice Wait List To Be Enrolled Immediately, Aug. 15, 2013, http://blog.nat.k12.la.us/ldoe-press-release-students-on-course-choice-wait-list-to-be-enrolled-immediately/; Will Sentell, Course choice enrollment rises, THE ADVOCATE (Aug. 22, 2013), http://theadvocate.com/news/6789629-123/course-choice-enrollment-rises.

11. John Watson et al., Keeping Pace with K-12 Online and Blended Learning: An Annual Review of Policy and Practice 17-18 (2013), http://kpk12.com/cms/wp-content/uploads/EEG_KP2013-lr.pdf.

12. Id. at 26-27.

13. Id. at 27-28.

14. Id. at 21-25.

15. Id. at 18-20.

16. In its first year of implementation the Louisiana pilot program offered only high school courses, though the authorizing legislation allows for full K-12 participation.

17. Michigan statutes indicate that the legislature may increase the cap on course enrollment starting in 2014-15 for students who have demonstrated past success in online courses. Mich. Comp. Laws § 388.1621f(2).

18. Districts may charge a fee for a student taking a course beyond the three-course limit. Tex. Ed. Code § 26.0031(c-1)

19. Providers must contract separately with districts after being approved by the state before they may offer courses to students in Virginia.

20. Va. Code § 22.1-3, § 22.1-5. The Virginia Department of Education pays tuition for all Early College Scholar students. Virtual Virginia Student and Parent Handbook, pp. 5-6 (2013).

21. Wisconsin has a cost framework for its Course Options program that outlines how tuition will be determined for various types of courses and providers, available at: http://courseoptions.dpi.wi.gov/files/cte/pdf/course_options_cost_table_v2.1.pdf.

22. Students in the U.S. report that they do not feel challenged at school: a 2012 study found that 37 percent of fourth-graders say that their math work is too easy; more than a third of high-school seniors report that they hardly ever write about what they read in class; and 72 percent of eighth-grade science students say that they are not being taught engineering and technology concepts in their classes. Ulrich Boser & Lindsay Rosenthal, Center for American Progress, Do Schools Challenge Our Students? What Student Surveys Tell Us About the State of Education in the United States (July 10, 2012), http://www.americanprogress.org/issues/2012/07/pdf/state_of_education.pdf.

23. Michael Horn, Beyond School Choice, Forbes (Jan. 30, 2013, 8:48 am), http://www.forbes.com/sites/michaelhorn/2013/01/30/beyond-school-choice/.

24. Mark Elgart, Digital Learning is the Key to Future Systems of Education, AdvancED Source (Spring 2013), http://www.advanc-ed.org/webfm_send/456.

25. U.S. Department of Education, Understanding the Implications of Online Learning for Educational Productivity 19 (2012), http://www2.ed.gov/about/offices/list/os/technology/implications-online-learning.pdf.

26. Minnesota Department of Education, A Report on the Department's Approved Online Learning Provider Three-Year Review Process (FY 2013), available at: http://education.state.mn.us/mdeprod/idcplg?IdcService=GET_FILE&dDocName=054170&RevisionSelectionMethod=latestReleased&Rendition=primary.

27. U.C.A. 1953 § 53A-15-1214.

28. Utah State Board of Education Internal Audit Department, Performance Audit 2013-02: Distance and Online Education Programs in Utah Schools 1 (Feb. 7, 2014), http://www.schools.utah.gov/internalaudit/Public-Record-Reports/PRR2013/2013-2DistanceOnlineEducationProgramsUtah.aspx.

29. Id. at 4.

30. Id.

31. Id. at 6-33.

32. Results of the survey are on file with the authors.

33. See, e.g., John Reynolds, The Q&A: David Dunn [Executive Director, Texas Charter Schools Association], The Texas Tribune (April 16, 2014), http://www.texastribune.org/2014/04/16/q-david-dunn/; Sarah Butrymowicz, When charter schools fail, what happens to the kids?, The Hechinger Report (Jan. 31, 2012), http://hechingerreport.org/content/when-charter-schools-fail-what-happens-to-the-kids_7504/.

34. Policy and Programs Service, U.S. Department of Education, Evaluation of the Public Charter Schools Program: Final Report 53 (2004), http://www2.ed.gov/rschstat/eval/choice/pcsp-final/finalreport.pdf. The Report also notes, "It is impossible to know from this study whether that is because of the performance of the schools, the prior achievement of the students, or some other factor. The study design does not allow us to determine whether or not traditional public schools are more effective than charter schools." Id. at x.

35. James Woodworth & Margaret Raymond, Center for Research on Education Outcomes, Charter School Growth and Replication Volume II 46 (2013), http://credo.stanford.edu/pdfs/CGAR%20Growth%20Volume%20II.pdf.

36. National Alliance for Public Charter Schooos, Charter School Accountability (2014), http://www.publiccharters.org/wp-content/uploads/2014/04/Charter-Schools-are-Accountable.pdf.

37. National Association of Charter School Authorizers, Principles & Standards for Quality Charter School Authorizing 12-21(2012), http://www.qualitycharters.org/assets/files/images/stories/publications/Principles.Standards.2012_pub.pdf.

38. Id. at 10.

39. Patricia Burch, Supplemental Education Services under NCLB: Emerging Evidence and Policy Issues 3-4(2007), http://epsl.asu.edu/epru/documents/EPSL-0705-232-EPRU.pdf.

40. Ron Zimmer, Brian Gill, Kevin Booker, and J.R. Lockwood, U.S. Department of Education, State and Local Implementation of NCLB (2007), http://eric.ed.gov/?id=ED497259.

41. Carol Ascher, NCLB's Supplemental Education Services: Is This What Our Students Need? 88 Phi Delta Kappan 137 (2006).

42. Id. at 138; Burch, *supra* note 39, at 7-8, 10.

43. Carolyn Heinrich & Patricia Burch, Center for American Progress and American Enterprise Institute for Public Policy Research, Implementation and Effectiveness of Supplemental Educational Services for Students with Disabilities and English Language Learners 12 (2012), http://www.aei.org/files/2012/03/05/-the-implementation-and-effectiveness-of-supplemental-educational-services_17150915643.pdf.

44. Ascher, *supra* note 41, at 137.

45. These seven elements were developed by Digital Learning Now and EducationCounsel after more than a year of research and engagement with leading states on course access programs. This effort included state-specific legal and policy analysis; meetings and conference calls with key state actors in course choice programs; engagement with leading national organizations on issues related to course choice, including iNACOL, the Clay Christensen Institute, and Texans for Education Reform. The core elements of these recommendations were vetted with state actors through a survey conducted in the fall and winter of 2013.

46. For a longer discussion of new options for funding models, see Scott Ferron, Paige Gonye, Adeeb Sahar, Kyle Vandenberg, A Framework for Selecting Quality Course Providers at a Competitive Price (May 2014), http://digitallearningnow.com/site/uploads/2014/05/Online-Education-Final-Paper.pdf.

47. Louisiana Department of Education, 2013-14 Course Provider Catalog, https://www.louisianabelieves.com/docs/course-choice/course-choice-catalog---k12-(8-20-13).pdf?sfvrsn=14.

48. La. Admin. Code tit. 28, pt. CLI § 1101 (rescinded).

49. U.C.A. 1953 § 53A-15-1206.

50. These criteria and mechanisms should build on existing standards, frameworks, and rubrics for online learning programs. Many course access states include the National Standards for Quality Online Courses, developed by iNACOL, as a means of assessing quality among prospective providers and courses. The second version of the standards, released in October 2011, are available here: http://www.inacol.org/cms/wp-content/uploads/2013/02/iNACOL_CourseStandards_2011.pdf. The Network may also consider accreditation and school improvement standards, including AdvancED's Standards for Quality for Digital Learning Institutions (see http://www.advanc-ed.org/webfm_send/412) and Quality Matters' K-12 Secondary Rubric for middle and high school courses (see https://www.qualitymatters.org/grades-6-12-rubric).

51. See NASDTEC's website, http://www.nasdtec.org/.

52. See The Commission On The Regulation Of Postsecondary Distance Education Advancing Access Through Regulatory Reform: Findings, Principles, And Recommendations For The State Authorization Reciprocity Agreement (SARA) (2013), available at: http://www.aplu.org/document.doc?id=4440. The Commission's recommendations are currently being implemented, led by the four regional compacts and the newly formed National Council for State Authorization Reciprocity Agreements (NC-SARA). For more information, see NC-SARA's website, http://www.nc-sara.org.

53. American Public Human Services Association, Understanding Interstate Compacts, available at: http://www.aphsa.org/Policy/ICPC-REWRITE/Understanding%20Interstate%20Compacts/UNDERSTANDING%20INTERSTATE%20COMPACTS.pdf.

54. See NASDTEC's website, http://www.nasdtec.org/.

55. See THE COMMISSION ON THE REGULATION OF POSTSECONDARY DISTANCE EDUCATION ADVANCING ACCESS THROUGH REGULATORY REFORM: FINDINGS, PRINCIPLES, AND RECOMMENDATIONS FOR THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA) (2013), available at: http://www.aplu.org/document.doc?id=4440. The Commission's recommendations are currently being implemented, led by the four regional compacts and the newly formed National Council for State Authorization Reciprocity Agreements (NC-SARA). For more information, see NC-SARA's website, http://www.nc-sara.org.