

**98TH GENERAL ASSEMBLY****State of Illinois****2013 and 2014****SB3533**

Introduced 2/14/2014, by Sen. Matt Murphy

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Course Choice in Education Act. Requires the State Board of Education to establish the State Course Choice Program, a program in which the State Board shall maintain a catalog that provides a list of all courses authorized and available to students in this State. Defines who is an eligible funded student and eligible participating student. Under the program, requires the State Board to establish a submission and authorization process for providers to be offered through the program and to evaluate providers. Requires a school district to (i) provide information to parents and the public on the availability of course choice options and eligibility guidelines, (ii) submit eligibility policies to the program, (iii) establish policies and procedures whereby credits earned through the course provider shall appear on a student's official transcript and count fully towards diploma requirements, and (iv) make available to all students the program during the annual course enrollment process for that school district. Sets forth provisions concerning provider criteria, provider monitoring and reauthorization, interstate course reciprocity, other State Board responsibilities, responsibilities of and limitations on a school district, funding, and rules. Effective August 1, 2015.

LRB098 16924 NHT 51999 b

FISCAL NOTE ACT  
MAY APPLYSTATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Course  
5 Choice in Education Act.

6 Section 5. Legislative declaration. The legislature finds  
7 and declares the following:

8 (1) It is in the public interest that all school  
9 children have access to the type and format of education  
10 that best meets the needs of the individual student, that  
11 each student has different needs that merit a variety of  
12 course choices on the individual student level, and that  
13 this State has the right, responsibility, duty, and  
14 obligation to accomplish the objective of a quality,  
15 individualized education for all children.

16 (2) Enrollment of children in course work offered by  
17 course providers is in compliance with the objectives of  
18 this State's compulsory attendance law; course providers  
19 make a significant educational and economic contribution  
20 towards meeting the goal of a quality, individualized  
21 education for every school child; and this State has  
22 recognized and encouraged that contribution through online  
23 education and blended learning models of learning.

1           (3) High quality, effective course providers exist in  
2 this State.

3           (4) Course providers can offer a quality,  
4 individualized education to students, and it is in the  
5 public interest to offer students the means of accessing  
6 the educational opportunities offered by course providers  
7 by providing students with the public funds allocated to  
8 them from local and State sources to enroll in such  
9 courses.

10          (5) Postsecondary educational institutions can serve  
11 as quality course providers for students who seek advanced  
12 level course work or technical or vocational instruction.

13          (6) Online or virtual course providers can serve as  
14 quality course providers for students who desire  
15 additional access to high quality courses, especially, but  
16 not limited to, students enrolled in low-performing public  
17 schools, students who, for reasons of geography, may not be  
18 able to exercise their right to educational choice, and  
19 students who may desire an alternative schooling schedule  
20 or calendar.

21          (7) Just as there is a rich diversity of students,  
22 there is a rich diversity of course models, ranging from  
23 online, to face to face, to blended learning. Students  
24 benefit from having access to a diverse catalog of options  
25 for how to best meet their unique academic needs.

26          (8) This State has a responsibility for maintaining a

1 catalog of quality options for students.

2 Section 10. Definitions. In this Act:

3 "Eligible funded student" means any student who resides in  
4 this State and meets one of the following criteria:

5 (1) is attending a public school that is among the 10%  
6 lowest performing schools according to State test results  
7 under Section 2-3.64 of the School Code; or

8 (2) is attending a public school that does not offer  
9 the course in which the student desires to enroll, as  
10 determined by the State Board.

11 "Eligible participating student" means any student who  
12 resides in this State and meets one of the following criteria:

13 (1) was eligible to attend a public school in this  
14 State in the preceding semester or is starting school in  
15 this State for the first time; and

16 (2) is enrolled in a home study program approved by the  
17 State Board.

18 "Open format" means a format that is platform independent,  
19 machine readable, and made available to the public without  
20 restrictions that would impede the re-use of that information.

21 "Provider" means an entity that offers individual courses  
22 in person or online, including, but not limited to, online or  
23 virtual education providers, public or private elementary and  
24 secondary educational institutions, education service  
25 agencies, private or nonprofit providers, postsecondary

1 educational institutions, and vocational or technical course  
2 providers, and has been authorized to provide such courses by  
3 the State Board of Education.

4 "State Board" shall mean the State Board of Education.

5 Section 15. State Course Choice Program; provider  
6 authorization process.

7 (a) The State Board shall establish the State Course Choice  
8 Program, a program in which the State Board shall maintain a  
9 catalog that provides a list of all courses authorized and  
10 available to students in this State. Under the program, the  
11 State Board shall:

12 (1) establish a submission and authorization process  
13 for providers occurring on a rolling basis;

14 (2) evaluate providers to be offered through the State  
15 Course Choice Program; the State Board may negotiate  
16 changes in the proposal to offer a course if the State  
17 Board determines that changes are necessary in order to  
18 authorize the course;

19 (3) not later than 90 calendar days after the initial  
20 submission date, authorize providers that:

21 (A) meet the criteria established under Section 20  
22 of this Act; and

23 (B) provide courses that offer the minimum  
24 instructional rigor and scope required under Section  
25 20 of this Act; and

1           (4) not later than 90 calendar days after the initial  
2           submission date, provide a detailed written explanation of  
3           any providers denied authorization.

4           (b) If the provider is denied authorization, the provider  
5           may resubmit under the provider authorization process under  
6           subsection (a) of this Section at any time.

7           (c) The State Board shall publish the process established  
8           under this Section, including any deadlines and any guidelines  
9           applicable to the submission and authorization process for  
10          providers.

11          (d) The State Board shall pay the reasonable costs of  
12          evaluating and authorizing providers. If funds available to the  
13          State Board for that purpose are insufficient to pay the costs  
14          of evaluating and authorizing all providers submitted for  
15          evaluation and authorization, the State Board shall give  
16          priority to paying the costs of evaluating and authorizing the  
17          following providers:

18               (1) providers offering courses that satisfy high  
19               school graduation requirements;

20               (2) providers offering courses that would likely  
21               benefit a student in obtaining admission to a postsecondary  
22               institution;

23               (3) providers offering courses, including dual credit  
24               courses, that allow a student to earn college credit or  
25               other advanced credit;

26               (4) providers offering courses in subject areas

1 designated by the State Board as commonly experiencing a  
2 shortage of teachers; and

3 (5) providers offering courses in subject areas and  
4 grades designated by the State Board as high priority.

5 (e) If the State Board determines that the costs of  
6 evaluating and authorizing a provider will not be paid by the  
7 State Board due to a shortage of funds available for that  
8 purpose, the State Board may charge applicants a fee of no  
9 greater than the amount of the costs to ensure that evaluation  
10 and authorization occurs. The State Board shall establish and  
11 publish a fee schedule for purposes of this subsection (e).

12 Section 20. Provider criteria.

13 (a) A provider offering a course through the State Course  
14 Choice Program must:

15 (1) comply with all applicable antidiscrimination  
16 laws;

17 (2) demonstrate in each subject area and grade level  
18 prior evidence of delivering quality outcomes for  
19 students, as demonstrated by completion rates, student  
20 level growth, proficiency, and other quantifiable outcomes  
21 or rigorous evaluations;

22 (3) ensure instructional and curricular quality  
23 through a detailed curriculum and student performance  
24 accountability plan that aligns with and measures a  
25 student's attainment of student proficiency in achieving

1 State academic standards;

2 (4) provide assurances that the course provider shall,  
3 to the best of its ability, collaborate and coordinate with  
4 the school district in which an eligible funded student or  
5 eligible participating student is enrolled full time; and

6 (5) commit to provide electronically to the  
7 participating student's school a detailed student record,  
8 including grades and performance information.

9 (b) A course offered by a provider must:

10 (1) be equivalent in instructional rigor and scope to a  
11 course that is provided in a traditional classroom setting;

12 (2) be aligned to State academic standards, industry  
13 standards, or Common Core State Standards; and

14 (3) possess an assessment component for determining  
15 student growth and proficiency.

16 (c) Additional criteria developed by the State Board may be  
17 used to evaluate providers, including requiring courses or  
18 providers to meet quality standards of the International  
19 Association for K-12 Online Learning, the Southern Regional  
20 Education Board, AdvancED, or another third party.

21 Section 25. Provider monitoring and reauthorization.

22 (a) The initial authorization of a course provider shall be  
23 for a period of 3 years.

24 (b) Providers must annually report the following:

25 (1) Student outcomes, growth measures, proficiency



1 rates, completion rates for each subject area, and grade  
2 level.

3 (2) Student satisfaction rates and comments.

4 (c) After the second year of the initial authorization  
5 period, the State Board shall conduct a thorough review of the  
6 course provider's activities and the academic performance of  
7 the students enrolled in courses offered by the course provider  
8 in accordance with the school's and district's accountability  
9 system.

10 (d) If the performance of the students enrolled in courses  
11 offered by the course provider pursuant to the school's and  
12 district's accountability system does not meet performance  
13 standards set by the State Board, the course provider shall be  
14 placed on probation for one year and shall be required to  
15 submit a plan for improvement.

16 (e) After the initial 3-year authorization period, the  
17 State Board may reauthorize the course provider for additional  
18 periods of not less than 3 years after thorough review of the  
19 course provider's activities and the achievement of students  
20 enrolled in courses offered by the course provider.

21 (f) The State Board may exclude a course provided by an  
22 authorized provider at any time if the State Board determines  
23 that:

24 (1) the course is no longer adequately aligned with  
25 State academic standards;

26 (2) the course no longer provides a detailed and

1 quality curriculum and accountability plan; or  
2 (3) the course fails to deliver outcomes as measured by  
3 student outcomes and performance on State or nationally  
4 accepted assessments.

5 Section 30. Interstate course reciprocity.

6 (a) Not later than January 1, 2016, the State Board shall  
7 create a reciprocal course and course provider authorization  
8 process for students who reside in this State but seek to  
9 enroll in a course authorized in another state.

10 (b) The reciprocal course authorization process shall take  
11 into account providers or courses that:

12 (1) are of equivalent instructional rigor and scope to  
13 a course that is provided in a traditional classroom  
14 setting; and

15 (2) are authorized in another state through that  
16 state's provider or course authorization process if the  
17 criteria used are aligned to those established in Section  
18 20 of this Act.

19 Section 35. Responsibilities of the State Board of  
20 Education.

21 (a) The State Board shall:

22 (1) publish the criteria required by Section 20 of this  
23 Act for courses that may be offered through the State  
24 Course Choice Program;

1           (2) using the criteria required by Section 20 of this  
2 Act, evaluate courses submitted by a provider that are to  
3 be offered through the catalog;

4           (3) create a list of courses authorized by the State  
5 Board;

6           (4) publish, in a prominent location on the State  
7 Course Choice Program's Internet website, which the State  
8 Board shall create and make available to the general  
9 public, the list of courses offered by authorized providers  
10 that are available through the State Course Choice Program  
11 and a detailed description of the courses;

12           (5) publish for the general public, in accordance with  
13 disclosure requirements adopted by the State Board by rule,  
14 include as part of the provider's application as a  
15 provider, and include in all contracts negotiated pursuant  
16 to this Section the following:

17           (A) information about the curriculum of each  
18 course;

19           (B) course policies and procedures;

20           (C) certification status of all administrative and  
21 instructional personnel;

22           (D) hours and times of availability of  
23 instructional personnel;

24           (E) student completion and promotion rates;

25           (F) student, educator, and school performance  
26 accountability outcomes;

1 (G) technology and broadband requirements; and

2 (H) the cost for participation; and

3 (6) establish and publish a timeframe or specific dates  
4 by which students are able to withdraw from a course  
5 provided through the State Course Choice Program without  
6 the student or the provider incurring a penalty.

7 The information required in clause (A) of subdivision (5)  
8 of this subsection (a) and underlying data shall be published  
9 online in an open format that can be retrieved, downloaded,  
10 indexed, and searched by commonly used web search applications.

11 The State Board may enter into an agreement with other  
12 states or organizations to create and operate one or more  
13 aspects of the catalog and State Course Choice Program.

14 (b) To ensure that a full range of courses, including  
15 Advanced Placement courses, are offered to students in this  
16 State, the State Board:

17 (1) shall create a list of those subjects and courses  
18 designated by the State Board as essential knowledge and  
19 skills or designated as content requirements;

20 (2) shall enter into agreements with school districts,  
21 charter schools, private or nonprofit providers, and  
22 public or private institutions of higher education for the  
23 purpose of offering the courses through the State Course  
24 Choice Program; and

25 (3) may develop, authorize the development of, or enter  
26 into contracts with other providers for the licensing,

1 development, or purchasing of additional courses that:

2 (A) are needed to complete high school graduation  
3 requirements;

4 (B) are not otherwise available through the State  
5 Course Choice Program; and

6 (C) are needed to help students achieve State  
7 academic standards in grades kindergarten through 12.

8 (c) The State Board shall maintain on its official Internet  
9 website, in a prominent location, an informed choice report.  
10 The report must:

11 (1) be updated within 30 calendar days after additional  
12 provider authorizations;

13 (2) describe each course offered through the State  
14 Course Choice Program and include information such as  
15 course requirements and the school year calendar for the  
16 course, including any options for continued participation  
17 outside of the standard school year calendar;

18 (3) contain student and parental comments and feedback  
19 reporting requirements as detailed under Section 25 of this  
20 Act; and

21 (4) be published online in an open format that can be  
22 retrieved, downloaded, indexed, and searched by commonly  
23 used web search applications.

24 (d) The State Board shall submit an annual report on the  
25 State Course Choice Program and the participation of entities  
26 to the Governor, the chairperson and minority spokesperson of

1 the Education Committee of the Senate, and the chairperson and  
2 minority spokesperson of the Elementary & Secondary Education  
3 Committee of the House of Representatives. The report shall, at  
4 a minimum, include all of the following information:

5 (1) The number of students participating in courses  
6 authorized under this Act.

7 (2) The number of authorized providers.

8 (3) The number of authorized courses.

9 (4) The number of courses available by subject and  
10 grade level.

11 (5) The number of students enrolled in courses by  
12 subject and grade level.

13 (6) Student outcome data, including completion rates,  
14 student learning gains, and student performance on State or  
15 nationally accepted assessments, by subject and grade  
16 level and by provider.

17 (e) The report required under subsection (d) of this  
18 Section and underlying data shall be published online in an  
19 open format that can be retrieved, downloaded, indexed, and  
20 searched by commonly used web search applications.

21 (f) The State Board shall create a process for common  
22 course numbering of all courses listed in the State Course  
23 Choice Program and for determining whether courses are in  
24 compliance with Section 20 of this Act. For courses offered by  
25 postsecondary educational institutions that are authorized  
26 course providers, the State Board shall consult with the Board

1 of Higher Education.

2 Section 40. Responsibilities of and limitations on a school  
3 district.

4 (a) A school district shall:

5 (1) notify parents of the availability of course choice  
6 options in correspondence that is written in simple and  
7 accurate language that parents can understand;

8 (2) provide information by letter or e-mail to the  
9 student's home and by at least 2 other means, such as  
10 community flyers, newspaper postings, or another method;

11 (3) publish information and eligibility guidelines on  
12 the school district's Internet website; and

13 (4) submit eligibility policies to the State Course  
14 Choice Program.

15 (b) Each school district shall establish policies and  
16 procedures whereby for each eligible funded student the  
17 following shall apply:

18 (1) Credits earned through the course provider shall  
19 appear on the student's official transcript and count fully  
20 towards diploma requirements.

21 (2) State-mandated assessments shall be administered  
22 to each such student attending a public school.

23 (c) Each school district shall make available to all  
24 students the State Course Choice Program during the annual  
25 course enrollment process for that school district.

1           (d) No school district may actively discourage,  
2 intimidate, or threaten an eligible funded student or an  
3 eligible participating student during the course enrollment  
4 process for that school district or at any other time.

5           (e) The performance data of students who are enrolled in a  
6 course pursuant to this Act shall be counted in the school  
7 performance score for the school in which the student is  
8 enrolled full time. The performance data shall be reported to  
9 and published by the State Board for each course provider in an  
10 easy to understand format and on the State Board's Internet  
11 website.

12           (f) The State Board shall adopt rules necessary to  
13 implement this Section, including without limitation the  
14 requirements of school boards and school districts whose  
15 students enroll in courses offered by authorized course  
16 providers.

17           (g) Nothing in this Act may be construed to prevent a  
18 school entity from establishing its own online course or  
19 program in accordance with this Act.

20           Section 45. Funding.

21           (a) Per-course funding shall be determined as follows:

22           (1) The course provider shall receive a per-course  
23 amount for each eligible funded student of an amount equal  
24 to the market rate, as determined by the course provider  
25 and reported to the State Board, but no greater than



1 one-sixth of 90% of the per pupil State aid funding amount  
2 each school year for the school district in which the  
3 eligible funded student resides. Any remaining funds,  
4 except those specified in subsection (2) of this subsection  
5 (a), for that student shall be divided evenly and returned  
6 to this State and to the school district in which the  
7 student resides. Transfers of course payments shall be made  
8 by the State Board on behalf of the responsible school  
9 district in which the student resides to the authorized  
10 course provider.

11 (2) For each student, an amount equal to 10% of the per  
12 pupil State aid funding amount shall remain with the school  
13 district in which the student is enrolled full time.

14 (3) The course provider shall receive payment only for  
15 the courses in which the student is enrolled. The remaining  
16 funds for each of these students, up to the maximum amount  
17 for the school district in which the participating student  
18 resides or actual tuition and fees, as applicable, shall  
19 remain with the participating school in which the student  
20 is enrolled.

21 (4) The State Board shall proportionally reduce the fee  
22 for any student who withdraws from a course prior to the  
23 end of the course.

24 (b) The course provider may charge tuition to any eligible  
25 participating student in an amount equal to the amount  
26 determined by the course provider and reported to the State

1 Board.

2 The course provider shall accept the amount specified in  
3 subdivision (1) of subsection (a) of this Section as total  
4 tuition and fees for the eligible participating student.

5 (c) Funding shall be based upon student success, as  
6 follows:

7 (1) Fifty percent of the amount of tuition to be paid  
8 or transferred to the course provider shall be paid or  
9 transferred upon student enrollment in a course and 50%  
10 shall be paid or transferred upon course completion  
11 according to the published course length.

12 (2) If a student does not complete a course according  
13 to the published course length in which the course provider  
14 has received the first payment pursuant to subdivision (1)  
15 of this subsection (c), the provider shall receive 40% of  
16 the course amount, as defined in subdivision (1) of this  
17 subsection (c), only if the student completes the course  
18 and receives credit for the course prior to leaving school  
19 or graduating from high school. The remaining 10% shall  
20 remain with the school district in which an eligible funded  
21 student is enrolled full time.

22 Section 90. Rules. The State Board may adopt any rules  
23 necessary to implement and administer this Act.

24 Section 99. Effective date. This Act takes effect August 1,  
25 2015.