

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE DIGITAL LEARNING ACT OF 2013**

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Digital Learning Act of 2013.

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Digital Learning Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1280 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 LEGISLATIVE AND REGULATORY INTENT

3.01 It is the intent of the General Assembly and of these rules to:

3.01.1 Provide for the expansion of digital learning opportunities to all Arkansas public school students; and

3.01.2 Remove any impediments to the expansion of digital learning opportunities.

3.02 These rules do not authorize a government entity to provide directly or indirectly basic local exchange, voice, data, broadband, video, or wireless telecommunication service except as authorized under Ark. Code Ann. § 23-17-409(b).

4.00 DEFINITIONS

For the purposes of these rules only:

4.01 “Blended Learning” is education in which instruction and content are delivered through supervised instruction in a classroom and online delivery of instruction with some element of student control over time, place, path, or pace.

4.01(2) “Digital Learning” means a digital technology or internet-based educational delivery model that does not rely exclusively on compressed interactive video (CIV). Digital learning includes online and blended learning.

4.03 “Digital Learning Provider” is an agency or entity approved by the Arkansas Department of Education pursuant to these rules that provides digital learning courses to public schools.

4.02(4) “Highly Qualified Teacher” means a teacher who holds at least a Bachelor’s Degree and has demonstrated subject area competence in each of the core academic subjects in which the teacher teaches. A highly qualified teacher that delivers digital learning courses under these rules is not required to be licensed as a teacher or administrator by the State Board of Education.

Note: Federal laws or regulations may require teachers in certain subject areas to hold a teaching license (e.g., special education teachers who teach core academic subjects).

4.05 “Online Learning” is education in which instruction and content are delivered primarily over the Internet. The term does not include print-based correspondence education, broadcast television or radio, videocassettes, compact disks and stand-alone educational software programs that do not have a significant Internet-based instructional component.

5.00 DIGITAL LEARNING – APPROVED PROVIDER LIST

5.01 Digital learning services may be procured from both in-state and out-of-state digital learning providers.

5.02 The Arkansas Department of Education shall annually:

5.02.1 Publish a list of approved digital learning providers that offer digital learning services; and

5.02.2 Provide a copy of the list of approved digital learning providers to the House Committee on Education and the Senate Committee on Education no later than June 1 each year.

6.00 DIGITAL LEARNING ENVIRONMENT

6.01 A digital learning environment shall be composed of:

6.01.1 Access to quality digital learning content and online blended learning courses;

6.01.2 Tailored digital content designed to meet the needs of each student;

6.01.3 Digital learning content that meets or exceeds the curriculum standards and requirements adopted by the State Board of Education that is capable

of being assessed and measured through standardized tests or local assessments; and

6.01.4 Infrastructure that is sufficient to handle and facilitate a quality digital learning environment.

7.00 DIGITAL LEARNING PROVIDERS

7.01 To become an approved digital learning provider a digital learning provider shall submit proof that the provider:

7.01.1 Is nonsectarian and nondiscriminatory in its programs, employment practices, and operations;

7.01.2 Demonstrates or partners with an organization that demonstrates successful experience in furnishing digital learning courses to public school students as demonstrated by student growth in each subject area and grade level for which it proposes to provide digital learning courses;

7.01.3 Provides digital learning services that meet or exceed the minimum curriculum standards and requirements established by the State Board of Education and ensures instructional and curricular quality through a curriculum and accountability plan that addresses every subject area and grade level for which it agrees to provide digital learning courses; and

7.01.4 Utilizes highly qualified teachers to deliver digital learning courses to public school students. A highly qualified teacher that delivers digital learning courses under these rules is not required to be licensed as a teacher or administrator by the State Board of Education.

7.02 The Arkansas Department of Education or State Board of Education shall not require as a condition of approval of a digital learning provider that the digital learning provider limit the delivery of digital learning courses to public schools that require physical attendance at the public school to successfully complete the credit for which the digital learning course is provided.

7.03 To become an approved digital learning provider in Arkansas, a prospective digital learning provider shall complete the application found at Attachment 1 to these rules and provide the completed application to:

ATTN: Digital Learning Provider Applications
Arkansas Department of Education
Division of Learning Services
Four Capitol Mall
Little Rock, AR 72201

The Arkansas Department of Education is authorized to create an electronic version of the application found at Attachment 1.

7.04 *Public school districts and public charter schools that provide digital learning courses to their own students without the assistance of an external digital learning provider are not required to seek approval as a digital learning provider pursuant to these rules.*

7.05 *Public school districts and public charter schools that provide digital learning courses to students other than their own students are required to seek approval as digital learning providers pursuant to these rules.*

8.00 PILOT PROGRAM – DIGITAL LEARNING COURSES

8.01 Beginning in the 2013-2014 school year, all public school districts and public charter schools participating in a pilot program shall provide at least one (1) digital learning course to their students as either a primary or supplementary method of instruction. Public school districts and public charter schools that wish to participate in the pilot program shall provide a notice of intent to participate in the pilot program to the Arkansas Department of Education at the following address:

ATTN: Digital Learning Pilot Program Notification
Arkansas Department of Education
Division of Learning Services
Four Capitol Mall
Little Rock, AR 72201

8.02 Beginning in the 2014-2015 school year, all public school districts and public charter schools shall provide at least one (1) digital learning course to their students as either a primary or supplementary method of instruction.

8.03 All digital learning courses provided by public school districts and public charter schools shall:

8.03.1 Be of high quality;

8.03.2 Meet or exceed the curriculum standards and requirements established by the State Board of Education;

8.03.3 Be made available in a blended learning, online-based, or other technology-based format tailored to meet the needs of each participating student.

8.04 Digital learning courses shall be capable of being assessed and measured through standardized tests or local assessments.

8.05 Beginning with the entering ninth grade class of the 2014-2015 school year, each high school student shall be required to take at least one (1) digital learning course for credit to graduate.

8.06 The State Board of Education shall not limit the number of digital learning courses for which a student may receive credit through a public school or public charter school and shall ensure that digital learning courses may be used as both primary and secondary methods of instruction.

8.07 A public school district or public charter school that offers a digital learning course through an approved digital learning provider shall ensure that each digital learning course offered at the public school district or public charter school has been approved by the Arkansas Department of Education.

8.07.1 It is not necessary for a public school district or public charter school to seek approval from the Arkansas Department of Education for courses that have previously been approved by the Arkansas Department of Education.

8.07.2 For courses not previously approved by the Arkansas Department of Education, a public school district or public charter school that offers a digital learning course through an approved digital learning provider shall obtain approval for the course from the Arkansas Department of Education prior to offering the course to students. A public school district or public charter school may seek course approval by contacting the following office:

ATTN: Digital Learning Course Approvals
Arkansas Department of Education
Division of Learning Services
Four Capitol Mall
Little Rock, AR 72201

9.00 EMERGENCY CLAUSE

WHEREAS, Act 1280 of 2013 became effective on or about August 16, 2013; and

WHEREAS, Act 1280 of 2013 requires the Arkansas Department of Education to administer a pilot program for digital learning courses in public school districts and public charter schools during the 2013-2014 school year; and

WHEREAS, Act 1280 of 2013 requires the Arkansas Department of Education to adopt rules to implement the pilot program;

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school districts, public charter schools, and public school students will result without the immediate promulgation of these rules.

ATTACHMENT 1**DIGITAL LEARNING PROVIDER APPLICATION**

Date of Application: _____

Name of Provider: _____

Provider Point of Contact: _____

Address: _____

City: _____ State: _____ ZIP: _____

E-mail: _____

Website Address (If Applicable): _____

Is the applicant/provider nonsectarian and nondiscriminatory in its programs, employment practices and operations? Yes: _____ No: _____

Explain: _____

Subject areas for which the applicant/provider intends to offer digital learning courses:

Grade levels for which the applicant/provider intends to offer digital learning courses:

Will the applicant/provider partner with any organization in furnishing digital learning courses to public school students? Yes:_____ No:_____

If so, please provide the following:

Name of Partnering Organization:_____

Address:_____

City:_____ State:_____ ZIP:_____

E-mail:_____

Website Address (If Applicable):_____

A prospective digital learning provider must demonstrate or partner with an organization that demonstrates successful experience in furnishing digital learning courses to public school students as demonstrated by student growth in each subject area and grade level for which it proposes to provide digital learning courses. Please explain how the applicant/provider meets this requirement. Attach supporting documentation as necessary.

A prospective digital learning provider must meet or exceed the minimum curriculum standards and requirements established by the State Board of Education and ensure instructional and curricular quality through a curriculum and accountability plan that addresses every subject area and grade level for which it agrees to provide digital learning courses. Please explain how the applicant/provider meets this requirement. Attach supporting documentation as necessary.

A prospective digital learning provider must use highly qualified teachers to deliver digital learning courses to public school students. Please explain how the applicant/provider meets this requirement. Attach supporting documentation as necessary.

Digital learning courses shall be capable of being assessed and measured through standardized tests or local assessments. Please explain how the applicant/provider meets this requirement. Attach supporting documentation as necessary.

ACKNOWLEDGMENT

I certify that the foregoing information is true, accurate and complete. I understand that the requirements for being an approved digital learning provider in Arkansas are governed by Act 1280 of 2013 and the Arkansas Department of Education Rules Governing the Digital Learning Act of 2013. I further understand that failure to comply with the requirements of Act 1280 of 2013 and the Arkansas Department of Education Rules Governing the Digital Learning Act of 2013 could result in denial of this application or withdrawal of approval status.

Name of Applicant

Date

On Behalf Of:

Submit Completed Application To:

ATTN: Digital Learning Provider Applications
Arkansas Department of Education
Division of Learning Services
Four Capitol Mall
Little Rock, AR 72201