

Model Bill:

Course Choice Act

SECTION 1. This Act shall be known and may be cited as the “Course Choice Act.”

(A) Purpose. This Act will enable all students enrolled in high school grades to take courses from a provider other than their current school of attendance. The purpose of this Act is to ensure that all children, regardless of income or geography, have access to high-quality coursework that their school may not offer, which will prepare them for college or a career, and life after high school.

(B) Definitions. As used in this Act:

(i) “Department” means the state agency overseeing elementary and secondary education [reference state statute].

(ii) “Eligible Provider” means an entity eligible to offer courses to eligible students through the program.

(iii) “Eligible Student” means a student who is a resident of [State] in grades 9, 10, 11, or 12 who is a home school student, enrolled in any Public School District, charter school, private school, or other educational setting recognized by state law.

(1) At its sole discretion, a Public School District may choose to extend eligibility so that students below grade 9 may participate in courses through this Act.

(2) Nothing in this Act or any other provision of law shall be construed to prohibit students or parents from paying for courses without support from the Public School District or charter school in which they are Primarily Enrolled.

(3) Nothing in this Act or any other provision of law shall be construed to prohibit Eligible Providers from accepting students who pay for courses without support from the Public School District or charter school in which they are Primarily Enrolled.

(iv) “Primary Enrollment” means the [State] Public School District, charter school, private school, or other educational setting recognized by state law where the Eligible Student is primarily educated.

(v) “Public School District” means [reference state law definition]

SECTION 2. Administration.

(A) The Department shall create, or contract with a third-party provider to create a single online portal which shall:

(i) Include accurate information on the courses available to students, posted at least 4 weeks before each course begins, including a detailed description of each course, prerequisites, the full cost of attendance including any fees, admissions and other policies, required equipment or materials, availability of instructors and other supports, high school graduation requirements

satisfied, student outcomes data, and other information the Department shall require of Eligible Providers or deem useful to parents under Section 2(D).

(ii) Provide instructions and a single secure online portal for enrolling in available courses along with necessary support for parents and students seeking to enroll in courses.

(iii) Be updated within 5 business days whenever new information is reported to the Department or a change in the status of an Eligible Provider occurs.

(B) Enrollment.

(i) The Department's portal and other tools created under Section 2(A) shall be accepted by all Eligible Providers.

(ii) The Department shall establish common timeframes and deadlines for each stage of the student enrollment process. However, nothing in this Act or any other provision of law shall preclude:

(1) Eligible Providers from offering courses on a schedule that differs from the traditional school calendar.

(2) Students from completing courses based on mastery rather than seat time.

(iii) By June 1 of each year, each Public School District and the board of each charter school shall prominently publish policies on its website relating to the enrollment of its enrolled students in courses under this Act. Such policies shall not restrict the freedom of students to enroll in such courses unless a student's enrollment in the course would present a barrier to on-time graduation that could not be reasonably accommodated.

(iv) By June 1 of each year, each Eligible Provider shall prominently publish policies on its website relating to the enrollment of students, progression through its courses, discipline, and other topics prescribed by the Department in Section 2(D).

(v) An Eligible Provider may not discriminate against Eligible Students in its admissions processes based on any of the protected characteristics under [reference state antidiscrimination in schools statute] or based on the student's Primary Enrollment provider, except that an Eligible Provider may give admissions preference to students for whom it provides Primary Enrollment.

(C) Funding.

(i) If an Eligible Student is Primarily Enrolled at a Public School District or charter school, that Public School District or charter school shall pay the cost of attendance of any Eligible Students who attend courses under this Act for up to 2 high school credits [*or the equivalent of two yearlong courses in the state*].

(1) The maximum cost of attendance for each credit shall be calculated in a manner prescribed by the Department, not to exceed the product of the per pupil funds received by the Public School District or charter school multiplied by 0.15.

(2) The Public School District or charter school may withhold up to 50 percent of the Cost of Attendance for a student until that student successfully completes the course, in accordance with the Eligible Provider's policies under Section 2(B).

(3) An Eligible Provider receiving funds from a Public School District or charter school to pay for a student's enrollment in a course under this section may not charge that student additional tuition, fees, or any other payment for that course.

(4) An eligible course may be subdivided into time-based or competency-based components, to be completed no later than the end of the current academic year, unless a different agreement is reached with the student's provider of Primary Enrollment.

(ii) The Department shall, to the greatest extent practicable and in consultation with Public School Districts and charter schools, revise its policies and procedures to offset costs borne by Public School Districts under this Act with funds provided under 20 U.S. Code § 6303b.

(D) Accountability and Approval.

(i) A student participating in a course through this Act offered by an Eligible Provider shall have all of the rights and privileges of and be subject to the same rules and regulations as students for whom the Eligible Provider is their provider of Primary Enrollment.

(ii) The parents of a student enrolled in a course through this act are responsible for any transportation to and from required activities for completion of the course. However, if funding is available, the Department may promulgate rules for reimbursing the cost of transportation for low-income or rural students participating in this program.

(iii) The Department shall promulgate rules for providers seeking initial or renewed recognition as Eligible Providers. These rules shall specify:

(1) Information required by the Department in order to grant initial or renewed recognition as an Eligible Provider, including the provider's curriculum, competencies, and expected student outcomes; a process for evaluating those outcomes; and facilities.

(2) That a provider must have policies for safeguarding student data, accommodating students with disabilities, and reporting and evaluating student outcomes.

(3) Required assurances that an Eligible Provider will communicate and work with a student's Primary Enrollment provider to the greatest extent possible in the best interest of students. The Department shall resolve any disputes between Eligible Providers and providers of students' Primary Enrollment.

(4) Deadlines and processes for applying to the program, renewal of such approval.

(a) Within 30 days of the notification of a completed application, the Department shall notify the applicant in writing of the date and time of the meeting where the application will be discussed and decided upon.

(b) The date and time of the meeting shall not exceed 60 days after receipt of a completed application.

(c) The Department shall approve, conditionally approve, or deny the application and notify the applicant in writing of its decision.

(d) If the application is not in compliance with the standards set forth in this Act, the application shall be conditionally approved if the state board determines that the remaining issues can be addressed in a time frame not to exceed 90 days, otherwise the application shall be denied.

(iv) The Department shall form a program application evaluation team to review such applications with relevant experts and representatives of public, private, charter, and home school communities. As part of its determination, this team shall determine which, if any, state high school graduation requirements would be satisfied through completion of the course.

(v) The Department shall provide timely support to the applicant during the application process.

(vi) The Department may suspend or remove any Eligible Providers from eligibility under this Act and shall post the names of those providers on its public website if it is determined, in a fair and impartial process that provides due process, that they fail to meet the Department's requirements, endanger student safety, or engage in fraud or other illegal activities.

(vii) The Department shall promulgate rules requiring criminal background checks for staff of Eligible Providers.

(viii) Notwithstanding the other provisions of this section, the following entities shall automatically be deemed an Eligible Provider unless the Department suspends or removes their eligible status in accordance with paragraph (D)(vi).

(1) All licensed teachers in good standing under [licensed teacher statute]

(2) All public-school districts under [cite statute]

(3) All charter schools approved by the state under [cite statute]

(4) All accredited private schools under [statute]

Section 3. Awarding Credit.

(A) The Public School District or charter school in which each student is enrolled as their Primary Enrollment shall record the completion of each course on each student's transcript and shall count those courses fully towards completion of a high school diploma.

(B) Public School Districts and charter schools shall count courses taken under this Act towards subject-specific requirements necessary for obtaining a high school diploma, if so recommended by the Department under Section 2(D).

(C) A student shall receive credit under paragraphs (A) and (B) of this section regardless of whether the Public School District or charter school does not pay for the course under Section 2(C). However, a Public School District or charter school may set reasonable limits on the cumulative number of credits a Primarily Enrolled students may earn through the programs described in this Act.

Section 4. Community Access.

(A) Assessments (Adapted from Tennessee State Law). Each Public School District that administers assessments (using its facilities or employees) for purposes that may include college admissions, college credit such as Advanced Placement, completion of courses under this Act, employment, or a state occupational license shall:

(i) Provide notice on the school's website of the dates on which the Public School District will administer the assessments. The notice shall include:

(1) The availability of such assessments; and

(2) The availability of outside financial assistance to low-income and needy students to pay testing fees.

(ii) Permit any Home School Students, Charter School Students, Private School Students, or others residing in their Public School District boundaries [cite relevant statute if needed] to take such assessments at the same facilities and with the same accommodations as students Primarily Enrolled in the Public School District.

(B) Athletics (Adapted from Florida State Law). Home School Students, Charter School Students, Private School Students, or others residing in their Public School District boundaries [cite relevant statute if needed] are eligible to participate in interscholastic extracurricular activities sponsored or engaged in by the Public School District as long as the student:

(i) Meets the requirements for Home School students, including demonstrating educational progress under [cite relevant statute].

(ii) Meets the same residency, acceptance, behavior, fee, transportation, and performance requirements as other students who are Primarily Enrolled in the Public School District.

(iii) The student must register with the Public School District his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation. A Home School Student must be given the opportunity to participate in curricular activities if that is a requirement for an extracurricular activity.

(iv) A student who transfers from a home school program to a Public School District before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year.

(v) Any Public School District or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a home school student until the student has successfully completed one grading period in home school to become eligible to participate as a home school student.

SECTION 5. Rulemaking. The Department shall promulgate all necessary rules and regulations for the administration of this Act within ninety days of the enactment.

SECTION 6. This Act takes effect on [January 1, 20XX].

