

CHAPTER 15
USE OF ONLINE LEARNING AND TELECOMMUNICATIONS
FOR INSTRUCTION BY SCHOOLS

281—15.1(256) Purpose. It is the purpose of this chapter to give guidance and direction for the use of online learning or the use of telecommunications as an instructional tool for students enrolled in kindergarten through grade 12. It is a further purpose of this chapter to provide guidance for students and school districts regarding enrollment of students in one or more courses offered by Iowa Learning Online.

[ARC 0522C, IAB 12/12/12, effective 1/16/13]

281—15.2(256) Definitions.

“Appropriately licensed and endorsed” means possession of current and valid licensure by the Iowa board of educational examiners to practice at a prescribed educational level in a specified content area.

“Class size” refers to the total group taught during a time period by a teacher or teaching team with students at one or more sites.

“Delivered primarily over the Internet” means more than 50 percent of the course content or instruction or both is delivered using the global computer network of the World Wide Web or Internet.

“Department” means the department of education.

“Exclusive instruction” means without the use of any other form of instructional delivery.

“Iowa Learning Online” or *“ILO”* means the department’s digital learning initiative to provide online courses to students enrolled or dually enrolled in participating school districts and accredited nonpublic schools. ILO is more specifically explained in Division III herein.

“Online learning” or *“online coursework”* means educational instruction and content delivered primarily over the Internet. “Online learning” or “online coursework” does not include print-based correspondence curricula, broadcast television or radio, videocassettes, or stand-alone educational software programs that lack a significant Internet-based instructional component.

“Participating school district or accredited nonpublic school” means a school district or accredited nonpublic school that has registered a student in an ILO course and has agreed to provide the student with access, during the school day, to a computer that has Internet connectivity through a direct connection as well as access to a telephone or an ICN classroom and transportation to periodic laboratory components, if needed or required. The district has also agreed to provide a staff member to serve as a site coordinator and contact for the ILO teacher, to monitor progress, and to serve as the student’s advocate by providing academic coaching and technical support. Further, the district has agreed to award a grade and credit on the student’s district-level transcript, based on the end-of-course evaluation by the ILO teacher.

“Telecommunications” means narrowcast communications through systems that are directed toward a narrowly defined audience and includes interactive live communications. “Telecommunications” does not include online learning.

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DIVISION I
USE OF TELECOMMUNICATIONS FOR INSTRUCTION BY SCHOOLS

281—15.3(256) Interactivity. Courses delivered primarily via telecommunications shall employ live interactive systems which allow, at a minimum, one-way video and two-way audio communication. An annual waiver may be granted by the department for a telecommunications system that does not include audio but has alternative contemporaneous, interactive communication ability and is consistent with sound instructional practice.

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281—15.4(256) Course eligibility. Telecommunications may be employed as a means to deliver any course, including a course required for accreditation by the department, provided it is not the exclusive means of instructional delivery.

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281—15.5(256) Teacher preparation and accessibility. A teacher appropriately licensed and endorsed for the educational level and content area being taught shall be present and responsible for the instructional program at the receiving site if a presenter of material transmitted via telecommunications is not an appropriately licensed and endorsed teacher for the educational level and content area. If a presenter of material transmitted via telecommunications is an appropriately licensed and endorsed teacher for the educational level and content area, a supervising teacher, or aide to whom a supervising teacher is readily available for consultation, shall supervise and monitor the curriculum and students and be readily accessible to the students. Prior to being assigned initially to deliver instruction via telecommunications, a teacher shall receive training regarding effective practices which enhance learning by telecommunications.

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281—15.6(256) School responsibilities. Each board of a school district or an accredited nonpublic school employing telecommunications for instruction shall develop policies relative to the use of telecommunications in the delivery of the educational program that are consistent with effective clinical practice. The school district or accredited nonpublic school shall report its use of telecommunications for instruction annually to the department on forms provided by the department. This report shall include:

1. To whom the instruction was delivered including class size, type of class (such as seminar or lecture), and grade level;
2. The course description and schedule of instruction;
3. The number, assignment, licensure including the licensing folder number, and the training received regarding effective practices which enhance learning by telecommunications of all staff involved in the teaching/learning process at both the origination and the receiving sites; and
4. The type of telecommunications used for course delivery, e.g., Internet, ICN, Polycom, etc.

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DIVISION II
ONLINE LEARNING OFFERED BY A SCHOOL DISTRICT

281—15.7(256) School district responsibilities.

15.7(1) General. Any online coursework offered by a school district shall be offered to resident students of the school district, students attending the school district through a sharing agreement with another school district, or students attending the school district pursuant to Iowa Code section 282.18. Online coursework shall be aligned with the Iowa core standards as applicable and shall be taught by a teacher appropriately licensed and endorsed for the educational level and content area being taught. The teacher may be employed directly by the school district or by a third-party provider of the online curricula used by the school district. Teachers employed by the school district shall be subject to the provisions of Iowa Code chapters 272, 279, and 284. Teachers employed by a third-party provider shall be subject to the provisions of Iowa Code chapter 272; these teachers must be given access to appropriate professional development by the school district, but otherwise are not subject to the provisions of Iowa Code chapters 279 and 284.

15.7(2) Monitoring and supervision. A school district providing educational instruction and course content delivered primarily over the Internet shall do all of the following with regard to such instruction and content:

- a. Monitor and verify full-time student enrollment, timely completion of graduation requirements, course credit accrual, and course completion.
- b. Monitor and verify student progress and performance in each course through a school-based assessment plan that includes submission of coursework and security and validity of testing components.
- c. Conduct parent-teacher conferences.
- d. Administer assessments required by the state to all students in a proctored setting and pursuant to state law.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 4295C, IAB 2/13/19, effective 3/20/19]

281—15.8(256) Data reporting.

15.8(1) District responsibilities. A school district providing educational instruction and course content that are delivered primarily over the Internet pursuant to this division shall annually submit to the department, in the manner prescribed by the department, data that includes but is not limited to the following:

- a. Student achievement and demographic characteristics.
- b. Retention rates.
- c. The percentage of enrolled students' active participation in extracurricular activities.
- d. Academic proficiency levels, consistent with requirements applicable to all school districts and accredited nonpublic schools in this state.
- e. Academic growth measures, which shall include either of the following:
 - (1) Entry and exit assessments in, at a minimum, math and English for elementary and middle school students, and additional subjects, including science, for high school students.
 - (2) State-required assessments that track year-over-year improvements in academic proficiency.
- f. Academic mobility. To facilitate the tracking of academic mobility, school districts shall request the following information from the parent or guardian of a student enrolled in educational instruction and course content that are delivered primarily over the Internet pursuant to this division:
 - (1) For a student newly enrolling, the reasons for choosing such enrollment.
 - (2) For a student terminating enrollment, the reasons for terminating such enrollment.
- g. Student progress toward graduation. Measurement of such progress shall account for specific characteristics of each enrolled student, including but not limited to age and course credit accrued prior to enrollment in educational instruction and course content that are delivered primarily over the Internet pursuant to this division, and shall be consistent with evidence-based best practices.

15.8(2) Department responsibilities. The department shall compile and review the data collected pursuant to this division and shall submit its findings and recommendations for the continued delivery of educational instruction and course content by school districts delivered primarily over the Internet, in a report to the general assembly by January 15 annually.

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281—15.9(256) Special education services. Children with disabilities may not be categorically excluded from admission to online learning programs or from enrollment in online coursework.

15.9(1) Whether an online course or online learning is appropriate to a child with a disability must be determined by the child's needs, not by the child's weightedness. If a child's individualized education program (IEP) goals cannot be met in online learning, with or without supplementary aids and services or modifications, online learning is not appropriate to the child.

15.9(2) If a child's IEP team determines that online learning is inappropriate to the child, the child's parents are entitled to prior written notice pursuant to rule 281—41.503(256B,34CFR300) and to have available to them the procedural safeguards provided under rule 281—41.504(256B,34CFR300).

15.9(3) When a child with an IEP seeks enrollment into an online learning program by means of open enrollment, the child's IEP team shall determine that the child meets the open enrollment requirements under 281—Chapter 17. In addition, the child's IEP team, together with representatives of the resident and receiving districts and the relevant area education agencies, shall determine whether the receiving district is able to provide an appropriate online education to the child, either with or without supplementary aids and services or modifications. Any dispute about whether the receiving district's program is appropriate shall be resolved by the director of special education of the area education agency in which the receiving district is located. The child shall remain in the child's resident district while any dispute about the appropriateness of the receiving district's program is pending.

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DIVISION III
IOWA LEARNING ONLINE (ILO)

281—15.10(256) Appropriate applications of ILO coursework. ILO courses are intended to help Iowa school districts expand learning opportunities by providing opportunities for individual students to take one or more courses offered “at a distance” using technologies such as the Internet and interactive videoconferencing. Participating school districts and accredited nonpublic schools may also enroll students in ILO courses if online learning is more suited to a specific student’s circumstances. ILO may also provide distance education to a student receiving independent private instruction as defined in Iowa Code section 299A.1(2) “b,” competent private instruction under Iowa Code section 299A.2, or private instruction by a nonlicensed person under Iowa Code section 299A.3.
[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 3981C, IAB 8/29/18, effective 10/3/18]

281—15.11(256) Conditions under which ILO coursework may be used to satisfy general accreditation requirements.

15.11(1) General. Subject to the exceptions contained in subrules 15.11(2) and 15.11(3), ILO coursework may not be used to meet the requirements of Iowa Code section 256.11(5), which require that specified subjects be offered and taught by a school district or accredited nonpublic school.

15.11(2) Use of ILO for up to two specified subjects. The requirements of subrule 15.11(1) shall not apply if a school district or school demonstrates either of the following conditions:

a. The school district or school makes every reasonable and good faith effort to employ a teacher licensed under Iowa Code chapter 272 for the specified subject and is unable to employ such a teacher.

b. Fewer than ten students typically register for instruction in the specified subject at the school district or school.

15.11(3) Waiver for additional specified subjects. The department may waive for one school year the applicability of Iowa Code section 256.11(5), at its discretion, to additional specified subjects for a school district or accredited nonpublic school that proves to the satisfaction of the department that the school district or school has made every reasonable effort but is unable to meet the requirements of Iowa Code section 256.11(5). A school district or accredited nonpublic school may apply for an annual waiver each year.

15.11(4) Use of private providers. Any specified subject course to which Iowa Code section 256.11(5) does not apply under either subrule 15.11(2) or 15.11(3) shall be provided by ILO if ILO offers the course, unless the course offered by ILO lacks the capacity to accommodate additional students. In that case, the specified subject course may instead be provided by the school district or accredited nonpublic school:

a. Through an online learning platform if the course is developed by the school district or accredited nonpublic school itself, provided the course is taught by an Iowa licensed teacher with online learning experience and the course content is aligned with the Iowa content standards and satisfies the requirements of subrule 15.13(1).

b. Through a private provider utilized to provide the course that meets the standards of subrule 15.13(1) and is approved in accordance with rule 281—15.16(256).

15.11(5) Definition. For purposes of this rule, “good faith effort” means the same as defined in Iowa Code section 279.19A(9).

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 2861C, IAB 12/7/16, effective 1/11/17; ARC 4295C, IAB 2/13/19, effective 3/20/19]

281—15.12(256) School and school district responsibilities. Each participating school district and accredited nonpublic school shall submit its online curricula, excluding coursework provided by ILO, to the department for review. Each participating school district and accredited nonpublic school shall include in its comprehensive school improvement plan submitted pursuant to Iowa Code section 256.7(21) a list and description of the online coursework offered by the school or school district, excluding coursework provided by ILO. Each participating school district and accredited nonpublic school is responsible for recording grades received for ILO coursework in a student’s permanent

record and for awarding graduation credit for ILO coursework. Each participating school district and accredited nonpublic school shall identify a site coordinator to serve as a student advocate and as a liaison between the initiative staff and teachers and the school district or accredited nonpublic school. Each participating school district and school shall pay the fees prescribed by subrule 15.13(2). A school district may provide courses developed by private providers and delivered primarily over the Internet to pupils who are participating in open enrollment under Iowa Code section 282.18. However, if a student's participation in open enrollment to receive educational instruction and course content delivered primarily over the Internet results in the termination of enrollment in the receiving district, the receiving district shall, within 30 days of the termination, notify the district of residence of the termination and the date of the termination. A rebate for tuition or fees paid or any other dividend or bonus moneys for enrollment of a child shall not be offered or provided directly or indirectly by a school district, school, or private provider to the parent or guardian of a pupil who enrolls in a school district or school to receive educational instruction and course content delivered primarily over the Internet.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 3981C, IAB 8/29/18, effective 10/3/18; ARC 4295C, IAB 2/13/19, effective 3/20/19]

281—15.13(256) Department responsibilities.

15.13(1) *Course quality.* The department shall annually evaluate the quality of courses offered under ILO to ensure that coursework is rigorous and of high quality and is aligned with Iowa's core curriculum and core content requirements and standards as well as with national standards of quality for online courses issued by an internationally recognized association for elementary and secondary online learning. The department shall ensure that all ILO coursework is taught by a teacher who is appropriately licensed and endorsed for the educational level and content area being taught and who has completed an online-learning-for-Iowa-educators professional development course offered by an area education agency, a teacher preservice program, or comparable coursework. The director of the department shall maintain a list of approved online providers that meet the standards of this subrule and provide course content through an online learning platform taught by a teacher licensed under Iowa Code chapter 272 who has specialized training or experience in online learning. This list shall be maintained pursuant to subrule 15.16(2). Providers shall apply for approval annually or as determined by the department.

15.13(2) *Fiscal matters.* The department shall establish fees payable by school districts, accredited nonpublic schools, and individuals providing instruction to students under Iowa Code chapter 299A as described in rule 281—15.10(256), for ILO coursework. Fees collected pursuant to this subrule are appropriated to the department to be used only for the purpose of administering ILO and shall be established so as not to exceed the cost of administering ILO. Providing professional development necessary to prepare teachers to participate in the initiative shall be considered a cost of ILO administration. Notwithstanding Iowa Code section 8.33, fees collected by the department that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose of expanding ILO coursework offered in subsequent fiscal years.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 3981C, IAB 8/29/18, effective 10/3/18; ARC 4295C, IAB 2/13/19, effective 3/20/19]

281—15.14(256) Responsibilities of individuals providing private instruction under Iowa Code chapter 299A. The individual providing instruction to a student under rule 281—15.10(256) shall pay the fees prescribed by subrule 15.13(2). The individual providing instruction to a student under rule 281—15.10(256) shall receive the student's score for completed ILO coursework.

[ARC 0522C, IAB 12/12/12, effective 1/16/13; ARC 3981C, IAB 8/29/18, effective 10/3/18]

281—15.15(256) Enrollment in an ILO course. Under ILO, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving private instruction under Iowa Code chapter 299A as described in rule 281—15.10(256).

[ARC 3981C, IAB 8/29/18, effective 10/3/18]

281—15.16(256) Private providers of online coursework.

15.16(1) *School district discretion.* At the discretion of a school board or authorities in charge of an accredited nonpublic school, after consideration of circumstances created by necessity, convenience, and cost-effectiveness, courses developed by private providers may be utilized by a school district or school in implementing a high-quality online learning program. Courses obtained from private providers shall be taught by teachers licensed under Iowa Code chapter 272.

15.16(2) *Department approval of private providers.* Private providers utilized to provide courses by a school district or accredited nonpublic school in accordance with this chapter shall meet the standards of subrule 15.13(1) and be approved in accordance with this subrule. The department shall establish an application process and review process for courses developed by private providers, including establishing a schedule of opportunities for new course approval applications, which shall be available at least annually, and a review cycle of courses previously approved.

[ARC 4295C, IAB 2/13/19, effective 3/20/19]

These rules are intended to implement Iowa Code sections 256.2, 256.7, 256.9, and 256.41 to 256.43.

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