

LEARNS Work Meeting #6

July 27th, 2023

(Agenda)

- ▶ **Meeting objectives**
- ▶ “Long term” topics

Meeting Objectives and Update

Today's objectives

- ▶ Launch update (5 minutes)
- ▶ Solicit feedback on approach to accountability (15-20 mins)
- ▶ Solicit feedback to accreditation standards for school accrediting bodies in year 2+ rules (10 minutes)
- ▶ Recap approach to unreasonable tuition increases in year 2+ rules (7-10 minutes)
- ▶ Solicit feedback to approach to service providers in year 2+ rules (15-20 minutes)

Update

EFA progress update

- ▶ EFAs have been “live” for several weeks, and have received tremendous family and school feedback
- ▶ Families may still apply for EFA funds through ADE’s turnkey portal; the family application deadline for the upcoming school year is August 1st
- ▶ Schools may continue to apply using the application form available through ADE’s website, and should email their submitted applications to ade.efa@ade.arkansas.gov
- ▶ ADE may host approximately 1-2 additional school choice work groups (post August); these sessions will focus on crystalizing ADE’s approach to various long-term rulemaking topics

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- ▶ Meeting objectives
- ▶ **“Long term” topics**
 - Accountability
 - Accreditation
 - Unreasonable tuition increases
 - Service providers

Guiding Principles

Guiding principles

1

▶ **Empower** parents to make the best school choice for their child

2

▶ **Expand** educational **opportunity** and **access** for Arkansas's families

3

▶ Build **quality** school options

4

▶ **Balance** accountability with flexibility

5

▶ Promote strong **fiscal stewardship** of public funds

6

▶ Use **data** to inform rulemaking



These guiding principles should inform decisions made when grappling with questions related to various topics in the rules

Accountability overview

Academic

- ▶ Schools must administer (annually) a nationally recognized norm referenced test or statewide assessment
- ▶ Schools must be accredited by an agency approved by the State Board
- ▶ Homeschool parents must agree to provide an education for their child in at least the subjects of English language arts, mathematics, social studies, and science
- ▶ Annually report a list of participating students with their test scores or alternate assessments, *AP test participation, and graduation data (for high schools)**

Financial

- ▶ Schools must adhere to basic measures of fiscal soundness such as
 - Being in operation for at least one year OR
 - Providing insurance verification and verification that the school has sufficient funds to operate OR
 - Has acquired a line of credit/bond required to operate in any quarter
- ▶ *Schools cannot unreasonably inflate tuition**
- ▶ ADE will conduct annual audits of individual accounts, participating service providers, and participating schools

General programmatic, safety, and climate

- ▶ ADE will conduct a parent satisfaction survey
- ▶ ADE will submit an annual written report that outlines student participation / enrollment metrics, retention rates, parental satisfaction survey results, fund usage, test result data, and a complete list of participating schools and service providers
- ▶ ADE will create an anonymous fraud reporting hotline
- ▶ School employees will require background checks and fingerprinting
- ▶ Schools must agree to basic published discipline procedures

**Unique to AR when compared to most other ESA programs*



The LEARNS act outlines a **more robust set of accountability standards** than many peer states with comparable EFA programs

A parent satisfaction survey will capture a parent's experience with the EFA program broadly, and of their individual school or provider

Category	Questions
General overview	<ul style="list-style-type: none"> ▶ Background (grade, school, etc.) ▶ Would you have sent your child to private school if your family did not receive EFA funds? ▶ Demographics (child ethnicity, gender, IEP, ELL, FRL)
School Satisfaction	<ul style="list-style-type: none"> ▶ How satisfied were you with your private school's performance across the following criteria?: <ul style="list-style-type: none"> - Ability to offer a high-quality education - Preparation for standardized testing - Ability to cater to my child's unique needs - Safety / security - Teacher quality - Value for money - Satisfaction with tuition / fee increases - Communication - Breadth of extracurricular and co-curricular activities - Clarity and fairness of disciplinary policies - Quality of facilities / cleanliness - Opportunities for parent involvement in school community
Program satisfaction	<ul style="list-style-type: none"> ▶ How satisfied were you with the EFA program's performance across the following criteria?: <ul style="list-style-type: none"> - Family communication - Clarity and availability of program information - Customer service - ClassWallet (vendor) ease of use - Website clarity

This data should be published at the school level, so that families can make informed choices when selecting an option for their child

Academic accountability proposal

1

Accreditation

- ▶ Schools must be accredited by (or in the process of accreditation) by a set of specified accrediting organization (by ADE)
- ▶ Specified accrediting organizations by Y2 must meet key characteristics outlined on the next page, particularly an **on-site visit review**
- ▶ Accreditation must be achieved within 4 years; those in progress must provide annual progress reports from accreditor
- ▶ Schools in the accreditation process are subject to additional ADE or third- party review

2

ADE Interaction

- ▶ ADE may select a random sample of schools every year to conduct site visits as part of an annual program review

3

Testing

- ▶ A school must administer a test from a specified norm-referenced list
- ▶ In future years, schools can either take a norm referenced test from the specified list, or can take the ADE developed standardized test
 - If schools take the ADE standardized test, testing cost will be covered by ADE

4

Reporting

- ▶ Performance reported by schools to the state at the student level
- ▶ The ADE will publish data at the program level beginning in Year 3
- ▶ Schools are asked to publish their own EFA participating testing data (in aggregate) so families can make informed decisions*

5

Performance

- ▶ Adequate performance may be defined as scoring at 25th percentile or above OR defined as sufficient growth in testing performance over 3 years
 - Performance requirements only apply to grades 3+
- ▶ **Special education** students may be exempt from testing and can demonstrate progress via a portfolio
- ▶ Schools that fail to meet these performance standards over a three-year period may be subject to removal

*Schools with small populations of EFA students (e.g., less than 15) will not be asked to publish data

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Proposed accreditation approach

Considering the following proposed requirements for accrediting organizations:

► Scope of operations:

- Have accredited schools for **at least 3 years**.
- The accrediting organization clearly defines in its charter, by-laws, or accrediting standards, the scope of its activities, including the types and levels of institutions covered.

► Organization:

- The accrediting organization defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations as shown by an audit for the most recent fiscal year or other reasonable documentation.
- The accrediting organization has in place policies to guard against conflict of interests by governing board members and/or visiting team members. No team member should benefit financially from participation in accrediting organization accreditation activities.

► Procedures:

- The accrediting organization maintains clear definitions of each accreditation level or status and has clearly written procedures for granting, denying, re-evaluating, revoking, and reinstating such accredited statuses.
 - The accrediting organization's accreditation program takes into account the rights, responsibilities and interests of students, families, schools, and the communities they serve.
- The accrediting organization requires, as an integral part of its accrediting process, both a **school self-study and an on-site review** by a visiting team.
 - The self-study shall be a qualitative assessment of the strengths and limitations of the school, including achievement of objectives and compliance with applicable rules of the State Board of Education. A representative portion of the school's governing body, administrative staff, teaching faculty, students, and other appropriate constituencies should participate in the self-study.
 - The accrediting organization provides written and consultative guidance to the school and the visiting team.
 - As a result of an evaluation visit, the accrediting organization must furnish a written report to the school commenting on areas of strengths, areas needing improvement and when appropriate, suggesting means of improvement, including specific areas, if any, where the school may not be in compliance with the accrediting organization's standards

► Decisions:

- The accrediting organization must accredit only those schools that meet its published standards; demonstrates that its standards, policies and procedures are fairly applied; and demonstrates that its evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment.
- The accrediting organization must review each school's accreditation status through periodic additional reports and/or visits. An accredited school must have an on-site accreditation visit at least **once every seven years unless granted an exception by the ADE**.

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Proposed Approach

Key rules to limit tuition inflation

- ▶ Tuition and fees may not be charged to EFA students that non-EFA students would not also receive
- ▶ Annual tuition and fee increases will be monitored
- ▶ Annual increases above **historical and / or average increases** will be subject to additional review; EFA eligibility will be determined on a case-by-case basis
 - For those under review, ADE will request the school cost of education (total expenses divided by number of students, excluding capex)
- ▶ Fees (total) that exceed 20% of tuition will be subject to review



ADE will consider “special” circumstances (e.g., school capital expenditure projects or teacher salary increases) on a **case-by-case basis**; “special circumstance” tuition increases beyond average standard increases

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In 2045-2025+, eligible expense expansion paves the way for new categories of service providers

2023-2024

- ▶ Tuition, approved fees, testing and required school uniforms
- ▶ Expenses determined by a school to be necessary and required such as supplies, equipment, access to technology, and services provided by or at the school
- ▶ Optional expenses are not covered

2024-2025+

All SY23-24 qualifying expenses, and:

- ▶ Instructional materials required for in-person or virtual instruction
- ▶ Instructional or tutoring services
- ▶ Curriculum
- ▶ Supplemental materials or supplies required for a particular content area
- ▶ Fees for courses and associated exams (for college credit), postsecondary exams, career training courses or exams, or industry-based credential exams
- ▶ Educational services provided by a licensed or accredited practitioner (for students with a disability)
- ▶ Account management fees from participating service providers
- ▶ Technology devices used to meet a student's needs (excluding TVs, video games, or home theatres unless approved by the DoE or a licensed physician)
- ▶ Transportation costs to or from a participating service provider or school
- ▶ Any other educational expenses approved by the Division of Elementary and Secondary Education

2024-2025+ eligible expense expansion paves the way for new categories of service providers, including:

- ▶ Tutors
- ▶ Curriculum vendors
- ▶ Educational software providers
- ▶ Transportation services
- ▶ Microschools, learning pods
- ▶ Any provider that offers a service within an eligible expense category to eligible students and is approved by ADE



Service Providers Proposed Approach (1/2)

Service provider definition

- ▶ A person or an entity, not including a participating non-public school, that receives payments from program accounts to provide goods and services that are covered as qualifying expense

Who is this for?

- ▶ Any participating EFA family who intends to use their EFA funds toward eligible expenses that are not associated with enrollment in a participating non-public school
- ▶ Can include homeschool families and private school families who are purchasing supplemental educational goods/services



Based on the definition in-statute, there are three categories of service providers:

Student-facing providers (not full-time)

- ▶ Service providers offering a good or service that contributes to the education of a participating student on a part-time basis (i.e., participating students are not enrolled full-time in the provider)
- ▶ Directly interfaces with a participating student while delivering the good or service
- ▶ **Includes:**
 - Tutors / instructional services
 - Transportation providers

Full-time student-facing provider

- ▶ Service providers who are responsible for the full-time education of participating students (i.e., students are enrolled full-time in the service provider)
- ▶ Directly interfaces with a participating student while delivering educational services
- ▶ **Includes:**
 - Micro schools
 - Learning pods

Non-student-facing providers

- ▶ Service providers delivering an educational good or service who do not interface directly with participating students
- ▶ **Includes:**
 - Retailers
 - Curriculum vendors
 - Providers of norm-referenced testing

Service Providers Proposed Approach (2/2)

Service provider eligibility requirements

Student-facing providers (part-time)

- ▶ Background checks and fingerprinting for all student-facing employees
- ▶ A credential or certification in the area of instruction, or an application that includes a written response to ADE providing an explanation of qualification(s) in the area of instruction
- ▶ General administrative information through online registration form
- ▶ Standard attestations (non-discrimination, compliance with health and safety procedures, etc.)

Student-facing providers (full-time)

- ▶ All part-time provider requirements AND
- ▶ Provide participating students an education in at least the subjects of English language arts, mathematics, social studies, and science
- ▶ Provide for participating students to annually take an approved nationally recognized, norm-referenced test
- ▶ Demonstrate fiscal soundness by having been in operation for at least one (1) school year or providing ADE with a statement by a certified public accountant confirming that the provider is insured and has sufficient capital or credit to operate in the upcoming school year
- ▶ Certify that it will not discriminate on any basis prohibited by 42 U.S.C. § 2000d, as it existed on January 1, 2023
- ▶ Comply with all applicable health and safety laws and rules
- ▶ Hold valid occupancy of buildings as required by the relevant municipality in which the private school is located
- ▶ Exclude any individual from employment who may reasonably pose a risk to the appropriate use of funds disbursed under this subchapter
- ▶ Publish official disciplinary procedures and adhere to such procedures prior to expelling a participating student

Non-student-facing providers

- ▶ General administrative information through online registration form
- ▶ Standard attestations (non-discrimination, compliance with health and safety procedures, etc.)
- ▶ Norm-referenced testing providers must be on the ADE approved test list
- ▶ Must be able to safely and adequately deliver expense-eligible goods or services to EFA families

Reflection on Service Providers

- 1 What are your **thoughts** on the proposed approach to service providers?
- 2 Does the proposal strike an appropriate balance between **accountability** and **flexibility**?
- 3 What **changes**, if any, would you propose?