

Public K-12 Online Education: Stop the Discrimination

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Issue Background

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Synopsis

Technology is expanding opportunities in education. Today elementary and secondary students can enroll in an online education program and never walk into a brick and mortar building. Students can take most any class online, even art and music. They usually communicate with a teacher through e-mail and telephone. Students can enroll in a private program and pay tuition, or enroll in a public program through a Colorado public school district for free. Through a law passed in 1998, the State of Colorado sanctioned online public education programs. All public education online programs are supervised by local school districts according to state guidelines, just like brick and mortar public schools.

Under Colorado law, any student can enroll in a public online program unless during the previous year the student was participating in a home school program or enrolled in a private school. This is clear discrimination against two select groups of students. The law should be changed to allow equal access to public online elementary and secondary education programs.

Discussion

History In 1995 the Monte Vista School District launched the first Colorado public school online education program. The program began as a pilot program and was removed from pilot status in 1998. House Bill 1227 was passed in 1998 to pave the way for other school districts to offer their own online programs. Several other online education programs have since been created.

Purpose of online programs The programs have traditionally served students who have been expelled, were pregnant, or had work schedules that

did not allow for school attendance during traditional school hours. Additionally, online programs have been attractive alternatives to some high school students receiving their education through a non-public home-based program. A new online program, Colorado Virtual Academy (serving kindergarten through the second grade), opened this fall under the auspices of the Academy of Charter Schools. This program will eventually serve students through the twelfth grade.

The problem The availability of an online education program to Colorado elementary students has created new interest in public online education, but a Colorado statute (22-33-104,C.R.S.) discriminates against particular students from participating in a public online education program.

The legislative declaration included in the statute states that the state should avail itself of the enhanced services available as a result of such technological advances to serve the citizens of the state more appropriately. But two groups of Colorado citizens are not allowed to be served: students who attended a private school or students who were home schooled the previous year.

Legal loophole Districts can get around the statute by allowing the student to enroll in the school and sit in the classroom through the October 1st count date for pupil funding. Then the student can return home to finish the school year as an online student. Another allowable circumstance is when the home-schooled student spent at least 90 hours in a public school the previous year. This is the equivalent to one 30-minute daily class.

Difficult situations Students who have difficulty in a public school may go in and out of several school environments. Some parents home school not because they particularly want to, but because their child for various reasons cannot conform to the traditional public school environment. A number of students live a long distance from a school or might be suffering from an illness, and in these situations it is more convenient to home school. An online program might be just the answer for some of these students, particularly high school students, but because each student's parents made the sacrifice the year before, the student cannot enroll in a publicly funded online education program. The same could apply to a student who was enrolled in a private school. Some parents pay high tuition rates, so that their child with behavioral problems can receive an education. In some cases that private school uses an online educational program.

Basis for the discrimination Some fear the cost to the state, if large numbers of home-schooled students and privately schooled students were allowed to enroll in a public online program. They feel that the state would have to take money from the education money pot, and share it with those who have not been in the public school system. Even though it is the school district, not the taxpaying parent, that receives the money when a child is enrolled in an online program, some legislators and the education lobby object to the idea. What is their real fear? Is it that legislators and lobbyist who supported the exclusion of these students dont want to support those who are education non-conformists? The idea that the state might pay for these students to be home schooled is something they may not be able to tolerate.

Conclusion

Public online programs are an attractive alternative to some home school and private school families, but not to most. Students are home schooled or enrolled in private schools for a wide variety of legitimate reasons. The parents of these students usually have strong convictions and most will not be bought by the lure of a free program. Besides, home-schooled students are under the home school law and are required to spend less hours a day in school than a student under the public school law (this does not mean they have less instruction or class assignments). Just this fact alone will deter some parents from enrolling their student in a public online program.

The statute clearly discriminates against students who are participating in non-public education. The legislature can easily fix the problem created in 1998 by repealing the following stricken language within 22-33-104.6,C.R.S.:

(4) **Pupil enrollment.** (a) IF A CHILD IS PARTICIPATING IN AN ON-LINE PROGRAM CREATED BY A SCHOOL DISTRICT, THE SCHOOL DISTRICT SHALL BE ENTITLED TO COUNT SUCH CHILD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-54-103 (10) FOR PURPOSES OF DETERMINING PUPIL ENROLLMENT UNDER THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE, ~~IF, IN THE PRECEDING ACADEMIC YEAR, SUCH CHILD EITHER:~~

~~(I) WAS ENROLLED IN A PUBLIC SCHOOL OR CHARTER SCHOOL OF A SCHOOL DISTRICT IN THIS STATE; OR~~

~~(II) WAS NOT ENROLLED IN ANY PRIVATE SCHOOL, HAD NOT PARTICIPATED IN A NON PUBLIC HOME BASED EDUCATION PROGRAM, OR HAD NOT~~

~~PARTICIPATED IN HOME INSTRUCTION BY A LICENSED OR CERTIFIED TEACHER.~~

Such a change would allow all Colorado students equal access to public school online programs, just as any Colorado student can enroll in a Colorado public school.

According to the Colorado Constitution, the general assembly must provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years may be educated gratuitously. The authors of the Colorado Constitution intended to provide a free education to all residents of the state. Students who participated in a home school or private school program, but then chose to enroll in the public school system, should not be excluded. They are residents of the state and are entitled to receive the same public education as any other resident.

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