



Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction
Hathaway Building, 2nd Floor, 2300 Capitol Avenue
Cheyenne, WY 82002-0050

Phone 307-777-7673 Fax 307-777-6234 Website www.k12.wy.us

MEMORANDUM NO. 2008 – 143

TO: School District Superintendents

FROM: Mary Kay Hill, Director
Administration Unit 

DATE: September 19, 2008

SUBJECT: Chapter 41 Emergency Rules – Distance Education

FOR YOUR INFORMATION

Please find enclosed emergency rules and signed certification page for Chapter 41, Emergency Rules for Distance Education. Emergency rules expire in 120 days (January 8, 2009) and will be replaced by permanent rules upon completion of the rulemaking process.

If you have any questions or need more information, please contact Jennifer Duncan at (307) 777-6213. Thank you.

MKH: jd

Enclosure

SEP 11 2008
Doc # 7164

CERTIFICATION PAGE FOR EMERGENCY RULES
NOTE: Emergency Rules are in effect for no longer than 120 days

Adoption Date 9/4/2008

GENERAL INFORMATION:

- 1 Agency: Wyoming Department of Education
Address: Hathaway Building, 2nd Floor, Cheyenne, WY 82002
Agency Contact Person for these Rules: Jennifer Duncan
Work Telephone: 777-6213
2. Are these new rules? Yes
3. Chapter number and name of rules being created: Chapter 41 Emergency Rules for Distance Education
4. Concise statement of emergency requiring promulgation of these rules without notice or opportunity for hearing: These rules are proposed by the Wyoming Department of Education as emergency rules pursuant to changes made by the 59th Legislature to W.S. § 21-2-202 and W. S. § 21-13-330. These rules establish the expectations and requirements of resident school districts receiving distance education services for their students; and, address enrolling students, funding, attendance, assessment, Adequate Yearly Process (AYP), and other responsibilities of the resident district. These rules also provide the K12 distance education program providers, originating from school districts, community colleges, and the University of Wyoming, with information regarding the process required to join and renew their membership to the state's network of distance education providers, data collection, reporting, and additional responsibilities. The Department requests signature of these rules as soon as possible to present both distance education program providers and the school districts receiving these services with clear guidelines, requirements, and processes for the upcoming 2008-2009 school year.

FILING WITH LSO:

5. In accordance with W.S. 16-3-104(b)(ii) a copy of these rules were filed with the Legislative Service Office on: 9/5/2008

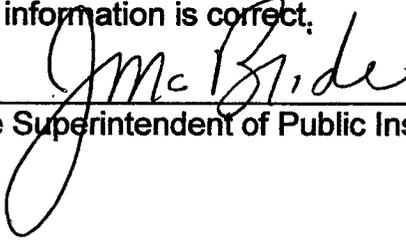
FILING FINAL RULES WITH SECRETARY OF STATE:

6. Yes No A disk with an exact copy of the attached rules is attached or an electronic mail including the copy of the rules was sent on 9/5/2008

CERTIFICATION BY AGENCY:

The undersigned certifies that the foregoing information is correct.

Date: 9/4/2008



State Superintendent of Public Instruction

GOVERNOR'S CERTIFICATION:

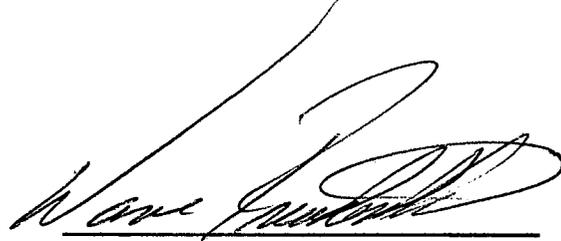
I have reviewed these rules and determined that they:

- 1.) Are within the scope of the statutory authority delegated to the adopting agency;
- 2.) Appear to be within the scope of the legislative purpose of the statutory authority; and
- 3.) Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.



Date



Governor

STATE OF WYOMING }
Office of the Secretary }
Filed the 16th day of September
2008 at 8:45 A.M.
Max Maxfield
Secretary of State

CHAPTER 41
DISTANCE EDUCATION

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CHAPTER 41
DISTANCE EDUCATION

Section 1. Authority.

These rules are promulgated by the Wyoming Department of Education in consultation with the Wyoming State Board of Education under the authority of W.S. § 21-2-202(a)(xxxix) and W.S. § 21-13-330.

Section 2. Purpose and Applicability.

These rules are intended to provide a uniform and understandable process for all distance education courses offered by Wyoming school districts or from which academic credit will be transferred to or accepted by a Wyoming school district. The provisions of this Chapter shall apply to all distance education courses offered by Wyoming school districts or distance education courses from which academic credit will be transferred to or accepted by a Wyoming school district.

Section 3. Definitions.

For purposes of all distance education courses offered by Wyoming school districts or from which academic credit will be transferred to or accepted by a Wyoming school district the following definitions shall apply:

- (a) "Active Distance Education Course" means any distance education course that has students currently enrolled;
- (b) "Asynchronous" means instruction delivered by the instructor and received by the student not concurrent in time;
- (c) "Bridge" means to connect multiple video units into one conference call using a telecommunications network device;
- (d) "Course sections" means simultaneous instances of a course offering with a unique student enrollment;
- (e) "Department" means the Wyoming State Department of Education as created by W.S. § 21-2-104;
- (f) "Distance Education" means instruction in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and accredited by the state board under W.S. 21-2-304(a)(ii), whereby the teacher and student, physically separated by time or space, are connected by means of a communications source used to provide synchronous or asynchronous instruction;
- (g) "Distance Learning Plan (DLP)" means an agreement between the school district or districts, a student and his parents or guardian outlining the distance education

program requested by the student and his parents or guardian, together with expectations and achievable performance benchmarks required for completion of the program in accordance with content and performance standards promulgated by the state board under W.S. 21-2-304(a)(iii);

(h) "Local Board" means the educational governing body established at each Wyoming school district in accordance with W.S. § 21-3-101;

(i) "Memorandum of Understanding (MOU)" means a signed documented agreement between the nonresident and resident district outlining fees paid for a distance education program or course;

(j) "Nonresident district" means the school district in which a participating student does not reside but which employs the distance education program teacher and which sponsors, approves, facilitates and supervises the distance education program course material provided to the participating student;

(k) "Program" means one or more distance education courses delivered from the nonresident district;

(l) "Resident district" means the school district in which the participating student resides, receives distance education program instruction and where the student's distance education learning plan (DLP) is filed.

(m) "State Board" means the Wyoming State Board of Education as created by W.S. § 21-2-301 (a);

(n) "Student" means a resident of Wyoming as described in W.S. § 21-4-102;

(o) "Synchronous" means instruction delivered by the instructor and received by the student concurrent in time;

(p) "Wyoming Switchboard Network (WSN)" means a state network of distance education providers that meet state-established guidelines for course content and delivery via Wyoming licensed teachers.

Section 4. Process to Join the Wyoming Switchboard Network (WSN).

(a) For School Year 2008-2009, current distance education provider shall submit the required information in sub-section (b) as soon as possible.

(b) For School Year 2009-2010 and each year thereafter, prospective distance education providers shall submit a letter of intent to the Department by May 1 applying to add its distance education program(s) to the WSN and to be considered for the succeeding school year. The letter of intent shall provide:

(i) A distance education program overview that describes general information

such as the program's title, administrative contacts, method(s) of delivery, and proposed course offerings and capacity; and,

(ii) A signed assurance statement maintaining that the distance education program possesses the necessary financial, personnel, and technical infrastructure capacity to effectively operate.

(c) After verifying the Department approved accreditation of the school(s) and district(s) proposing to provide the distance education program, the Department may approve the letter of intent based on the information provided in the distance education program overview or request necessary changes before proceeding.

(d) After the approval of the letter of intent, the prospective distance education provider shall submit a WSN program application created from Department approved templates. The WSN program application shall provide:

(i) A course evaluation narrative that describes:

(A) The method(s) of course procurement; and,

(B) Procedures for course evaluation.

(ii) A student accountability narrative that details:

(A) The enrollment requirements of the student;

(B) The pre-enrollment consultation, to include:

(I) A medium and grade level specific screening tool to determine that the distance education course(s) is appropriate to the learning capabilities of the individual student; and,

(II) Required distance education training, simulations, readiness surveys, or experience prior to the start of class(es);

(C) The anticipated roles and duties of the resident school's liaison and/or the student's mentor/tutor that provides instructional support to the student throughout the duration of the distance education course(s);

(D) The nonresident district administrators' and instructors' accountability for monitoring student performance; and,

(E) An intervention plan to assist students' performance.

(iii) An instructor accountability narrative that details:

(A) The professional development opportunities available to instructors, to

include:

(I) Pre-service components which shall be required of all instructors that possess no previous experience teaching within the distance education medium of their currently assigned course(s). These pre-service components shall be completed prior to the beginning date of the course(s) assigned to that instructor; and,

(II) Ongoing components of the professional development process required of all distance education instructors, such as, just-in-time training and resources, available support materials, coaching or mentoring systems, and other professional learning communities;

(B) Continual evaluation process of the professional development program(s) that ensure the continuous improvement of the program(s) quality and overall value; and,

(C) Instructor performance expectations and methods of evaluation to determine and, if necessary, improve the critical aspects of distance education pedagogy.

(iv) A partnership plan narrative that describes the expectations and requirements the nonresident district will have for the resident district, and how the nonresident district will coordinate the proper support and training for resident district personnel.

(e) Approval of the WSN application shall be determined by the Department in consultation with the nonresident local board. The Department may require necessary corrections or improvements before final approval of the WSN program application.

(f) After the approval of the WSN program application, the distance education program provider shall provide a credit course application for each proposed course, created from Department approved templates, that consists of:

(i) General course information that includes basic details such as the title, description and syllabus, suggested grade level(s), and course delivery method;

(ii) A course taxonomy worksheet that identifies core knowledge and skills, Success curriculum component(s), and subject area(s) addressed by the course;

(iii) A course calendar outlining any synchronous requirements;

(iv) A course scope that outlines the topics and objectives presented; and explicitly defines assessments and other mandatory benchmarks throughout the coursework;

(v) A milestones checklist of compulsory topics and objectives from the course scope with the anticipated completion dates that are required in order to successfully complete the course. In accordance with Section 10 of the Department's Chapter 8 Rules

and Regulations for the School Foundation Program, these milestones will measure the student's progress throughout the coursework and shall be used as attendance and membership equivalency within the student's distance learning plan;

(vi) A course standards alignment verification that describes the nonresident district's process used to align course content to the Wyoming Content and Performance Standards. The nonresident district shall provide the documentation resulting from this course standards alignment process that specifies which state standards are addressed by each course; and,

(vii) Course quality documentation that demonstrates the course meets or exceeds the appropriate Department approved standards/guidelines pertaining to distance education course delivery methods.

(g) Approval of each credit course application shall be determined by the Department. Necessary corrections or improvements shall be required before final approval of each credit course application.

(h) Prior to enrolling students, the nonresident district shall submit to the Department a MOU template that fulfills the requirements of Section 12(b).

(i) A post-secondary distance education program may apply for limited membership to the Wyoming Switchboard Network and waive the course taxonomy, course scope, standards alignment, and/or course quality verification. These distance education programs shall only be eligible to provide distance education courses to students enrolled at a resident district that has submitted to the Department a credit course application waiver. This waiver, provided by the Department, shall:

(i) Be signed by the resident district superintendent, a member of the local board, and the resident district curriculum director;

(ii) Acknowledge the distance education program provider's omission of the course taxonomy, course scope, standards alignment, and/or course quality verification; and,

(iii) Verify the presence of an articulation agreement that, at a minimum, the resident district and distance education provider shall:

(A) Agree that the design, content, and delivery of the selected distance education course work provided by the distance education program meets or exceeds the requirements and state standards for course content, comply with and fulfills the state education program established by W.S. § 21-9-101 and W.S. § 21-9-102, and that the program otherwise meets district program standards and assessment policies; and,

(B) Annually review and mutually agree upon the documentation that aligns course content, objectives, and outcomes required to satisfy the Hathaway Scholarship Success Curriculum requirements, and Wyoming Content and Performance

Standards.

Section 5. WSN Renewal and Updates.

(a) All distance education providers shall update each course calendar and milestones components each year.

(b) Nonresident distance education providers may update any components of its WSN Application and submit for evaluation.

(c) Distance education providers may remove course offerings or its entire program from the WSN provided that none of the courses are active distance education courses and the Department is immediately notified.

(d) The Department shall remove any nonresident distance education providers from the WSN if its school or district loses its accreditation.

Section 6. Enrolling Students.

(a) All distance education course enrollments are initiated at the resident district in accordance with W.S. § 21-13-330(g)(ii). The resident district shall have ten (10) business days to confirm the enrollment process with the nonresident district and, if necessary, assign the student to a resident district school that provides an appropriate grade level instruction.

(b) The resident district shall verify that the prospective distance education course(s) received by the student:

(i) Complies with and fulfills the educational programs established by W.S. §§ 21-9-101 and 21-9-102;

(ii) Has been approved by the Department; and,

(iii) Meets the resident district's program and content standards.

(c) The resident district shall notify the nonresident district of the student's intent to register with the distance education course. The nonresident district sets the last day for registration per course as outlined in the course calendar.

(d) The resident district shall ensure that each student participating in a distance education course has a Distance Learning Plan (DLP).

(i) The Distance Learning Plan shall be completed by the resident district's designee in collaboration with the nonresident district's designee, the student's parent(s) or legal guardian(s), and the student.

(ii) The Distance Learning Plan shall remain on file at the resident district,

nonresident district, and Department.

(iii) The Department shall provide a template for the Distance Learning Plan, however districts may modify this template or create their own provided that the Distance Learning Plan documents at a minimum the following:

(A) The effective dates of the Distance Learning Plan that shall not exceed a period of one (1) year;

(B) The student's Wyoming Integrated Statewide Education Record Identifier (WISER ID) identification, legal first and last name, and grade level;

(C) A description of each distance education course detailing the title, WSN course identification number, number of milestones, instructor, and program provider; course completion status report (grade letter, numeric percentage, pass/fail, etc) and the amount of credit to be achieved by the student and reported to the designated resident district official at the completion of the distance education program;

(D) Acknowledgement of or modifications to course start and end dates, calendar and weekly bell schedule for synchronous elements, and drop dates as stated on the WSN course calendar;

(E) Acknowledgement of or modifications to the course milestones;

(F) The attendance requirements, contact time and methods of contact required by the student in order to successfully complete the course;

(G) The acknowledgement of or modifications to the student accountability narrative that verifies that the course is appropriate to the learning capabilities of the participating;

(H) The name and position of the resident school's liaison and/or the student's mentor/tutor that provides instructional support throughout the duration of the course(s);

(I) Clearly outlined process concerning where and how to send information requested by the instructor, mentor, and student, to include due dates; and,

(J) Clearly outlined process concerning where and how to send information between the nonresident and resident district in regard to the student's progress through the course milestones.

(e) A signed Memorandum of Understanding (MOU) between the resident district and non-resident district shall be completed and on file at the resident district, nonresident district, and Department prior to the course's beginning date.

(f) The resident district may allow a student whose custodial parent or guardian is on active military service, and leaves the state of Wyoming and whose custodial parent or guardian maintains Wyoming residency, to finish the remainder of the current school year in a Department approved distance education program(s).

Section 7. Department Responsibilities.

(a) The Department shall maintain the intrastate Wyoming Equality Network (WEN) and its videoconferencing provider, the WEN Video system. Current WEN Video Policies shall be adhered to for all WEN Video Events bridged by the Department WEN Video Scheduler.

(b) The Department shall maintain, facilitate and monitor a state network of distance education courses called the Wyoming Switchboard Network (WSN) that provides a consolidated guide of available distance education programming opportunities.

(c) The Department shall providing training and technical assistance to school districts to utilize the WSN, for the delivery of distance education programming, review and research the distance education programming available, and to participate in the WSN.

(d) The Department shall provide current information and research regarding student and course accountability, distance education pedagogy, professional development resources, and course delivery methods.

(e) The Department shall provide a point-of-contact to track and monitor complaints, whereby concerned individuals, school or district personnel can receive needed assistance in resolving any issues resulting from the delivery of distance education courses.

(f) The Department shall provide a template for the individual student Distance Learning Plan.

Section 8. Additional Resident District Responsibilities.

(a) The resident district shall monitor the participating student's progress, in collaboration with the nonresident district, to ensure the student is progressing in accordance with the terms of the student's Distance Learning Plan, via the instructional support assigned by the Distance Learning Plan.

(b) The resident district shall ensure each student participating in distance education course (s) is evaluated, tested, and monitored at the same intervals as other students in their grade level and in accordance with the resident district's assessment policies.

(c) The resident district shall ensure that the following records of each student participating in distance education course(s) are maintained on a permanent basis:

- (i) The student's Distance Learning Plan;
- (ii) Assessment, performance evaluation, and statewide assessment results; and
- (iii) Immunization records, as required by W.S. § 21-4-309(a).

(d) In collaboration with the nonresident district, the resident district shall ensure that the needs of all students are met, including special education, gifted and talented, and at-risk students.

Section 9. Additional Nonresident District Responsibilities.

(a) The nonresident district shall document that all teachers instructing distance education courses in Wyoming are employed by a Wyoming school district, community college or the University of Wyoming. The employing institution is responsible for the authenticity of teacher credentials.

(b) The nonresident district shall assist in the completion of the student's Distance Learning Plan in collaboration with the resident district designee, the student, and parent or legal guardian.

(c) The nonresident district shall limit WEN Video and other Interactive Video Conference course sections to a 20:1 maximum student to teacher ratio that consists of not more than four (4) remote sites in addition to the originating location; unless extenuating circumstances apply and the WEN Video Scheduler approves, per the WEN Video Guidelines. All other distance education mediums shall limit course sections to a 25:1 maximum student to teacher ratio.

(d) The nonresident district shall ensure that the instructor does not teach more than six (6) course sections unless an exception is granted by the Department in accordance with the following:

(i) The Department may grant an exception to the limitation of six (6) sections on a case-by-case basis; and,

(ii) A request for an exception shall be made by the nonresident district in the manner and form directed by the Department.

(e) The nonresident district shall initiate the MOU with the resident district, as outlined in Section 12 and establish a conflict resolution process in agreement with the resident district.

Section 10. Data Collection and Reporting.

(a) The nonresident district shall collect and report to the Department:

(i) Course completion rates and information for each course offered on the

WSN;

(ii) Internal survey results if available; and,

(iii) Reports required by the Distance Education Grant (DEG) process, to include:

(A) Total program costs;

(B) Expenditure of all DEG Program funding in the Special Revenue Fund using the appropriate accounting codes in the WDE601 – Annual District Report;

(C) Impact of the DEG Program on compliance with W.S. § 21-13-330;

and,

(D) Evaluation of the distance education course(s) in addressing student needs.

(b) The Department shall:

(i) Monitor student distance education enrollment information;

(ii) Annually survey district superintendents concerning their distance learning needs and instructional availability;

(iii) Annually survey the nonresident distance education providers administrators, instructors, and students concerning the quality and effectiveness of programming available through the WSN;

(iv) Compile Department survey results and present a summary reporting to the State Superintendent of Public Instruction and the Wyoming Legislature;

(v) Provide a summary of distance education course(s) available on the WSN;
and,

(vi) Present a compilation report on the information collected from WSN distance education providers utilizing the DEG program.

Section 11. Funding.

(a) Each student participating in distance education shall be included in a district's Average Daily Membership in accordance with the Department's Chapter 8 Rules and Regulations for the School Foundation Program.

(b) In accordance with W.S. § 21-13-330(g)(vii) Average Daily Membership shall only count for distance education course(s) approved by the Department and accredited by the State Board.

Section 12. Memorandum of Understanding (MOU)

(a) A signed MOU shall:

(i) Be used as the funding agreement between the resident and nonresident district;

(ii) Initiated by the nonresident district;

(iii) Designed for a period not to exceed one year; and,

(iv) The original MOU shall be on file at the nonresident district, with a digital copy submitted to both the Department and resident district.

(b) The MOU shall consist of at a minimum:

(i) The identification of the resident and nonresident district point-of-contact to include first and last name, position/title, and contact information;

(ii) The name(s) and WISER ID(s) of the student(s) involved in the distance education course(s);

(iii) Information detailing the title, start date, and completion date of each distance education course;

(iv) Payment information to include the amount, due date(s), and method of payment;

(v) Apportion the responsibility for ensuring that each student has access to the appropriate electronic equipment, connectivity, and resources needed to participate in the distance education course(s);

(vi) A description of the educational support provided to the student(s) by the resident district. This may include, but is not limited to:

(A) The access of resources at the resident district;

(B) Required tutoring and/or mentoring services;

(C) Testing and assessment services;

(D) Academic counseling services;

(E) Library services; and,

(F) Special needs requirements.

(vii) If the resident district does not have qualified distance education site coordinators, the MOU shall include:

- (A) A description the training required of the resident district's staff;
- (B) Which district staff should attend the training;
- (C) How the training will be provided; and,
- (D) When the training should be completed.

(viii) A description of any training required of the student(s), how this training will be provided, and when it should be completed;

(ix) A statement ensuring that all records of the student(s) will be provided to the resident district including any records of special education;

(x) A conflict resolution policy; and,

(xi) The signatures of the nonresident and resident district's superintendent or designee, in accordance with district policies.

Section 13. The Distance Education Grant (DEG) Program.

(a) The DEG shall be available to assist nonresident distance education providers with developing distance education course(s) available from the WSN.

(b) The DEG Program shall be available to Wyoming school districts, community colleges, and the University of Wyoming. The notice of the grant program, together with necessary application forms and program information, shall be provided to eligible applicants by May 1. Grants will be awarded no later than August 15 of the succeeding school year.

(c) The DEG Program shall be made available for:

(i) Necessary professional development requirements that align to the nonresident distance education provider's professional development plan as stated on the Instructor Accountability narrative. The applicant shall detail the origin of the professional development and rationale for selection, and itemized budget of how the funds will be expended;

(ii) Program maintenance and operational needs. The applicant shall provide an itemized budget of how the funds will be expended on items such as, but not limited to, infrastructure needs, teacher incentives, and course design;

(iii) Accreditation requirements for K-12 distance education providers;

(iv) Program evaluation of core courses within the required statewide education program, components of the Success Curriculum required for participation in the Hathaway student scholarship program specified by W.S. § 21-16-1307, dual enrollment courses and advanced-placement courses. The applicant shall detail the origin of the evaluation, rationale for selection of the evaluator, and itemized budget of how the funds will be expended; and,

(v) Other program components necessary for sustainability as funds appropriated to the department on education permits.

(d) The priority of the DEG Program shall be available for the development and maintenance of distance education programs that deliver core courses within the required statewide education program; components of the success curriculum required for participation in the Hathaway student scholarship program specified by W.S. § 21-16-1307; dual enrollment and advanced-placement courses.

(e) The evaluation and award of all DEG Program grants shall be conducted by the Department and external evaluators, using publically accessible rubrics. The evaluation of the grants shall be based on:

(i) The priority of the course(s) being offered and the intended uses of the funding;

(ii) The number of students estimated to participate in the distance education course(s) based on a needs assessment or prior enrollment numbers;

(iii) Total program costs; and,

(iv) If applicable, historical student success in the distance education course(s).

(f) Each grant recipient shall report to the Department by not later than August 1 of the succeeding school year:

(i) The expenditure of grant amounts awarded from the prior school year;

(ii) The number of students enrolled in the distance education course(s) receiving grant assistance;

(iii) The number of students that successfully completed the distance education program;

(iv) The impact of the grant assistance in compliance with W.S. § 21-13-330;
and

(v) An evaluation of the distance education course(s) in addressing student needs.

Section 14. Attendance.

In accordance with Section 10 of the Department's Chapter 8 Rules and Regulations for the School Foundation Program, all students enrolled in distance education course(s) shall satisfy compulsory attendance requirements by completing the milestones outlined in the student's Distance Learning Plan.

Section 15. Assessment and Adequate Yearly Process (AYP).

(a) Students enrolled in distance education course(s) shall not be exempt from state, local or district assessments.

(b) Each student participating in a distance education course(s) shall be subject to the Wyoming statewide assessments as required in W.S. § 21-2-304(a)(v); and the assessment shall be administered and monitored by a state-trained assessment administrator.

(c) Student performance, accountability, state and local assessment results, and adequate yearly progress (AYP) shall be the responsibility of the resident district.