



## 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

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### MEMORANDUM NO. 2009-107

**TO:** School District Superintendents

**FROM:** Mary Kay Hill, Director  
Administration

**DATE:** August 14, 2009

**SUBJECT:** Distance Education Funding Unintentional Consequence

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### INFORMATION TO SHARE

Attached is a letter sent to Superintendent Luchsinger of Niobrara County School District #1, dated July 16, 2009, concerning the funding of distance education programs within the state. An unintended consequence resulting from the transferring of funds between school districts allocates funds to the receiving district as a local resource and is counted toward the next year's funding model.

The department has reviewed every avenue for flexibility concerning this situation to no avail. We will propose a legislative solution to the Joint Education Committee this fall asking for an "effective immediate" provision for the 2009-2010 school year. However, there are no guarantees.

If you have questions concerning the letter or the topic, please contact the department or our distance education representatives.

MKH:cm

Attachment



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July 16, 2009

Richard S. Luchsinger, Superintendent  
Niobrara County School District #1  
P.O. Box 629  
Lusk, Wyoming 82225-0629

Dear Mr. Luchsinger:

Thank you for the information you have shared regarding the plans of Niobrara County School District #1 to offer distance education to students across the state. We appreciate the efforts you and the district are undertaking to assure compliance with laws passed by the Legislature in 2008. Laws governing distance education were a major focus on the 2008 Legislature, and many important provisions were enacted.

The law provides that a host district (for example, Niobrara School District #1) may enter into agreements with other districts for the distance education of students residing in other districts. When this occurs, the resident district pays a tuition fee to the host (Niobrara) for the education of the student online.

Wyoming law requires that all school districts count "tuition" as a local resource. You have asked if this requirement would apply to students receiving distance education services via an agreement with another district. While I agree that the Legislature may not have intended this requirement to apply, the Wyoming Department of Education does not have the authority to count distance education tuition in a different manner than traditional tuition.

Wyoming Statute 21-13-310(a)(ix) requires that districts make an annual computation of specific revenues, including the amount of tuition paid to the district during the previous school year. This statutory reference includes no exceptions. There is no provision which would eliminate tuition received by a non-resident district for distance education from the local resource calculation.

We have reviewed every avenue for flexibility in this situation. Unfortunately, no flexibility exists. Definitions of tuition are very specific. Statutory directives regarding the counting of tuition as a local resource are also very specific.

We will propose a legislative solution to the Joint Education Committee this fall. We will ask for an "effective immediate" provision in order for this to have an impact on the 2009-2010 school year. There is no guarantee, however, of legislative action.

Richard S. Luchsinger  
July 16, 2009  
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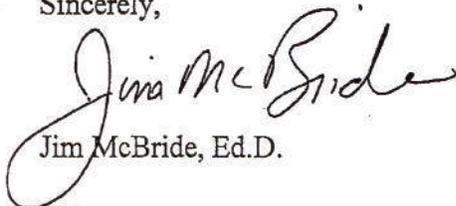
Your district indicates the desire to enroll as many as 300 students for the coming school year. To the extent these students are enrolled subject to tuition payments from other districts, Niobrara County will want to weigh the possible impacts of that enrollment.

I would emphasize that students enrolling as residents of Niobrara County School District #1 would be counted in the Average Daily Member (ADM), and as such, would be fully funded in the 2010-2011 school foundation program. This could potentially include students located outside of the district who chose to enroll in Niobrara County School District #1 and participate in a distance education program full-time. In this scenario, your district is responsible for all aspects of that student's education, and, among other statutory requirements, the resident district would be required to remove the child from its ADM count.

I look forward to working with you when we present our concerns to the Joint Education Committee. Please advise me when your district makes a decision regarding the enrollment of non-resident students.

If you have questions or need additional information, please contact Chuck Mitchell, Distance Education Consultant for our Department, at 307-777-6220.

Sincerely,



Jim McBride, Ed.D.

JM:rew

cc: ~~Chuck Mitchell~~  
Judy Catchpole