



# Certification Page Regular and Emergency Rules

Revised September 2016

**Emergency Rules** *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

**Regular Rules**

## 1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address	h. Adoption Date	
i. Program		

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Enrolled Act Numbers and Years Enacted:

## 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
*(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)*

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:  
The conflict between the current emergency Chapter 41 and the SEA0057 requirements continues to create a valid emergency in that districts could potentially be out of compliance with statutes due to the confusion caused by the revisions being restricted to the items the WDE thought were most critical to have in place before the start of the 2017-2018 school year. To allay the ongoing concerns expressed by school districts, the WDE is submitting this second set of more comprehensive emergency revisions for promulgation while the regular rules revisions are being completed.

The implications of not adequately meeting the requirements of virtual education laws could result in harmful consequences to school districts such as, but not limited to, potential loss of funding, a change in accreditation status or not being approved for virtual education program renewal. Because districts have specifically asked why the emergency Chapter 41 Rules still include items they find conflicting and confusing, the WDE comprehensive emergency revisions address critical areas of concern to increase district understanding of all virtual education statutory requirements.

**5. Final Filing of Rules**

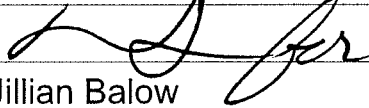
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office:

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Jillian Balow
Signatory Title	Superintendent of Public Instruction
Date of Signature	3/6/18

**7. 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, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

## **Chapter 41**

### **Virtual Education**

#### **STATEMENT OF REASONS**

During the 2017 General Session, SEA0057 modified several aspects of virtual education provided by Wyoming school districts. This act set forth the requirement for the Wyoming Department of Education (WDE) to work in consultation with the virtual education advisory committee established by W.S. 21-2-202(a)(xxxi)(F) and the data advisory committee established under W.S. 21-2-203(d) to develop a methodology for computing average daily membership (ADM) for students participating in virtual education programs. The changes to the ADM calculation for virtual education, and required rulemaking associated with this change, necessitated revisions to Chapter 41 Virtual Education rules.

The implications of not adequately meeting the requirements of virtual education laws could result in harmful consequences to school districts such as, but not limited to, potential loss of funding, a change in accreditation status or not being approved for virtual education program renewal. The Chapter 41 Rules revisions include critical areas of concern to increase district understanding of all virtual education statutory requirements. A summary of the Chapter 41 rules revisions to aid districts in understanding their responsibilities follows:

- Definitions for “full-time” and “part-time” virtual education and the corresponding district responsibilities replace the obsolete terms and responsibilities of “resident district” and “nonresident district.”
- Virtual education teacher definition and minimum requirements were included to ensure teachers are correctly identified and meet the certification or permit requirements pursuant to W.S. 21-7-303 and the rules and regulations of the Wyoming Professional Teaching Standards Board.
- The process to become a virtual education program and how to enroll and withdraw students has been updated.
- The implementation of a virtual education coordinator in each district has been included to facilitate communication, data collection, reporting and dissemination of timely and accurate information.
- A definition and description of “course and services agreement” has been added to be consistent with W.S. 21-4-502(c) and to replace memorandum of understanding.
- “District-assigned learning coach” or “family-designated learning coach” definitions and roles have been included to provide support for students taking virtual education courses in a traditional brick and mortar or home setting.
- Requirements for vendors selling virtual education courses in Wyoming to provide districts with assurances that all courses are aligned to Wyoming Content and Performance Standards, taught by teachers with appropriate Wyoming certification, and, if applicable, delivered by a program accredited by an appropriate accrediting entity. Virtual education vendor assurances also include data security and student data privacy

requirements are met, and background checks are conducted for all staff who may come in contact with Wyoming virtual education students who are minors.

- The recourse available to school districts should a letter of intent for application to become a virtual education program provider be denied.
- The need for all reporting systems used for virtual education student records to meet data security, student privacy and data collection protocols and requirements.

At the suggestion of the State Board of Education, the WDE collected district input on the Chapter 41 revisions to address concerns and recommendations districts may have prior to the rules being submitted for promulgation. The WDE also worked closely with the Virtual Education Advisory Committee throughout the Chapter 41 revisions process taking all feedback and input from the Committee members into consideration. The process of collecting input during revisions was helpful to the WDE and will hopefully prevent issues from arising during regular rules promulgation.

During the Chapter 41 public comment period, the WDE reviewed the responses received with the Virtual Education Advisory Committee and made minor revisions to the rules based on the some of the practical suggestions within the comments. The revisions based on those comments were as follows:

- 1) Removal of the words "just-in-time" from Section 3(g)(iii)(A)(II),
- 2) Relocation of sentences explaining assessment subgroup reporting from Section 5(j) to Section 13(d), and
- 3) Three instances of "three" business days for student enrollment and withdrawal correspondence timeline between districts were changed to "five" business days in Section 5

All comments received and the WDE responses are included in the Chapter 41 rules packet submitted to the Secretary of State.

**Chapter 41 Virtual Education  
Public Comment & Responses**

<b>1st Comment</b>	<b>Agency Response</b>
<p><i>My comment concerns Section 3(g)(ii). The way the proposed rules are worded here, it seems that enrollment decisions can be made differently from provider to provider. In my view, this is problematic--especially when these programs are funded with public dollars. However, the bigger problem with this section has to do with access to public education at large (in this case, virtual public education).</i></p> <p><i>In the past, many students have been denied admission to full-time virtual education programs because of their disabilities, poor grades, lack of credits, and/or disciplinary records. If these virtual education programs are truly public school programs--funded by the State of Wyoming--they should be open to all students regardless of these factors. We impose no "consultation" or verification process to determine suitability when a student enrolls in a brick-and-mortar public school. Why would such a process be acceptable within the context of virtual education?</i></p> <p><i>Thank you for your time and consideration of this feedback.</i></p>	<p>Students will continue to have access to a publicly-funded education in a Wyoming school district. These rules are intended to direct Wyoming school districts to submit for verification specific components for the virtual education programs offered within their district, including enrollment requirements. Beyond verification of these components, the WDE has no authority over a district's local student enrollment policies for educational programs.</p> <p><i>No change.</i></p>
<b>2nd Comment</b>	<b>Agency Response</b>
<p>I would make sure all online faculty for high school courses that are eligible for concurrent enrollment and dual credit. This means the person should have a masters degree for any course that would transfer to a university. Courses that would only serve a two-year terminal (AAS) degree or certificate would not need the masters.</p>	<p>No change requested.</p> <p><i>No change.</i></p>

<b>3rd Comment</b>	<b>Agency Response</b>
<p><i>Under Section 2, n: I believe that statement should say in "real time", not just time.</i></p> <p><i>Under Section 3, g (iii) II: what are "just-in-time" training and resources? This may need clarification. Have never heard that terminology before.</i></p> <p><i>Under Section 5, part j seems to be out of place. This information might be better placed under Section 13. I am also curious what the assessment protocol might be if a student is exactly 50% local district, 50% virtual. Who then is responsible for assessments?</i></p> <p><i>My thoughts on this would be to take the type of courses in mind. Many virtual students will take electives at their local brick and mortar school but take their core courses virtually. I know it will make it more tricky but I believe that wherever a student is taking core courses is where the assessment should be taking place. Or maybe better define it as wherever the student is taking English or Math courses is where the student should be assessed. So for example, if a student is taking English, Math, Science and History with WYVA but takes 4 elective courses at East HS, WYVA should be assessing and receiving the state assessments for that student, not East. This should be better defined.</i></p>	<p>Many of the questions posed here are plainly addressed in rules; however, there are two non-substantive changes in Sections 3(g)(iii)(A)(II) and 5(j), respectively:</p> <p><i>Change: remove phrase "just-in-time".</i></p> <p><i>Change: relocate sentences about assessment subgroup reporting from Section 5(j) to Section 13(d).</i></p>
<b>4th Comment</b>	<b>Agency Response</b>
<p><i>As a person who teaches online in addition to face to face I would highly recommend:</i></p> <p><i>1. A common LMS for all districts to use. It makes things much easier for the teacher to use one LMS rather than potentially many. It streamlines policies, procedures, student access and districts would not have to purchase or use resources to manage different platforms. It also makes it easier for students to work in one platform rather than many.</i></p> <p><i>2. In section 5 part b - 3 businesses days is a very fast turn around. For the online entity I work for, it is 4 weeks to allow drops, adds and</i></p>	<p>The WDE has no authority to direct districts on the matter of offering virtual education programs that are both asynchronous and synchronous. Those decisions are made at the local level.</p> <p>There is one non-substantive change in Section 5(b):</p> <p><i>Change: three (3) business days for student course enrollment and withdrawal correspondence between districts is extended to five (5) business days.</i></p>

<p><i>enrollment verification. Districts would have to have a dedicated person to do this full time to do this and most do not.</i></p> <p><i>3. Program should be asynchronous as well as synchronous. It allows for more flexibility for the teacher and student.</i></p>	
<p><b>5th Comment</b></p>	<p><b>Agency Response</b></p>
<p><i>1. I suggest that the state needs to establish a state rate for teaching online. For example, The entity for which I teach pays teachers \$180 per student and \$100 per class to set a class up. No benefits are paid. If consistency is not done, there will be different pay scales for different districts and imagine the folks in our offices trying to do payroll, benefits, award credit and so on...it would be a nightmare for them.</i></p> <p><i>2. Is being a virtual teacher a position that is in addition to a daytime full teaching position or an added duty? I have a full time teaching position and do online work outside of my daytime job. Are teachers willing to do this or have it be part of their day? This could mean more staff and with budget cuts, I'm not sure districts are willing to take on more. Again I suggest that being consistent throughout the state lets everyone know how this will work and what responsibilities each district has when they use this form of education.</i></p>	<p>The WDE has no authority to direct districts on pay rates for their teachers. These decisions are made at the local level.</p> <p><i>No change</i></p>

## **Chapter 41**

### **Virtual Education**

**Section 1. Authority.** These rules are promulgated by the Wyoming Department of Education in consultation with the Wyoming State Board of Education and the Wyoming Professional Teaching Standards Board under the authority of W.S. § 21-2-202(a)(xxxix) and W.S. § 21-13-330.

**Section 2. Definitions.** For purposes of all virtual 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 virtual education course” means any virtual education course offered by an approved full- or part-time virtual education provider;

(b) “Concurrent enrollment” means, and is generally understood by district and school personnel to mean, an opportunity made available by a single district for a high school student to take one or more courses taught by a college-approved high school teacher for both high school course credit and transcribed college credit; however, for purposes of this rule and the Department’s administration of the Wyoming virtual education network, it also means an arrangement between two districts established pursuant to the laws of this state by which a student primarily enrolled in one district is permitted to have secondary enrollment in another district for a portion of the student’s educational program;

(c) “Course and services agreement” means an agreement entered into between any two (2) districts establishing terms and conditions under which a district that allows one or more students enrolled in one school district in the state to receive a portion of the pupil’s education, which may be provided through virtual education, from another district in the state, as provided for under W.S. § 21-4-502(c), whereby the district providing for the enrollment of the student shall include the student within its average daily membership (ADM) and the district providing a portion of the student’s education will assess tuition to be paid by the district of enrollment. Tuition shall be calculated on a per course basis equal to or less than the ADM amount of the district providing the course prorated for the number of courses provided;

(d) “Course sections” means simultaneous instances of a course offering with a unique student enrollment;

(e) “District-assigned learning coach” means an employee of the district in which a part-time virtual education student is enrolled who shall be assigned by the district or school to serve to monitor that student’s progress in virtual education, coordinate any instructional support needed at the request of the virtual education teacher, assist with data collection and reporting, and communicate with the student’s parent or legal guardian as appropriate in order to facilitate the student’s successful participation in virtual education;

(f) “Dual enrollment” means an opportunity for a high school student to take one or



more college-credit-bearing courses taught by a college-level instructor and to earn transcribed college credit as well as high school credit at the time the student successfully passes the course. Any courses that meet this definition of dual enrollment are not subject to this rule;

(g) “Family-designated learning coach” means a parent, legal guardian, or another responsible adult designated by a full-time virtual education student’s parent or legal guardian who shall serve as the point of contact for the virtual education teacher and virtual education provider for purposes of monitoring student progress, ensuring that any necessary instructional support is provided, assisting with tracking and reporting student participation in virtual education, and other appropriate duties as may be assigned by the virtual education provider;

(h) “Full-time virtual education” means providing more than fifty percent (50%) of the statewide educational program, required by W.S. § 21-9-101 and W.S. § 21-9-102, through virtual education by a single school district established pursuant to the laws of this state;

(i) “Full-time virtual education provider” means any school district established pursuant to the laws of the state that offers one or more virtual education courses approved by the Department and provides full-time virtual education for any student;

(j) “Local board” means the educational governing body established at each Wyoming school district in accordance with W.S. § 21-3-105;

(k) “Part-time virtual education” means providing fifty percent (50%) or less of the statewide educational program, required by W.S. § 21-9-101 and W.S. § 21-9-102, through virtual education, by a school district established pursuant to the laws of this state;

(l) “Part-time virtual education provider” means any school district established pursuant to the laws of this state that offers one or more virtual education courses approved by the Department and provides part-time virtual education for any student;

(m) “Program” means one or more virtual education courses;

(n) “Synchronous” means instruction delivered by the virtual education teacher and received by the student concurrent in time;

(o) “Virtual education” means instruction of one or more Department-approved courses administered primarily through technology outside of the physical classroom, 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), and which may be distinguished from other types of courses in that the physical separation of the virtual education teacher and student(s) substantially limits or even prohibits the teacher from providing a preponderance of course instruction in-person;

(p) “Virtual education teacher” means the instructor of a Department-approved virtual education course who, regardless of whether the instructor is an employee of a school district established pursuant to the laws of this state, shall meet the certification or permit requirements of W.S. § 21-7-303(a). In addition to providing instruction primarily through technology outside of the physical classroom, the teacher shall have duties that generally include facilitating student learning, monitoring student progress, providing and grading

assignments, and providing qualitative feedback, all of which can and generally are provided through technology;

(q) “Wyoming virtual education program” means a network of Department-approved virtual education programs and courses that meet state-established guidelines for course content and delivery.

### **Section 3. Wyoming Virtual Education Program.**

(a) The Department shall annually review and approve full-time and part-time virtual education programs, and the specific courses to be offered, which together shall constitute the Wyoming virtual education program.

(b) A district must seek approval to operate as a full-time virtual education provider, a part-time virtual education provider, or both a full- and part-time virtual education provider, regardless of whether the district intends to offer virtual education courses to students enrolled within the district or to students enrolled in other Wyoming districts, or both.

(c) Unless offering one or more virtual education courses as part of its educational program, a district is not required to seek approval to operate as a virtual education provider if one or more students enrolled in the district is concurrently enrolled with a district that is an approved part-time virtual education provider.

(d) Subject to the requirements established in this rule, as well as other applicable state and local laws and regulations, a district that seeks approval as a full- or part-time virtual education program provider may do so with the intent to offer one or more virtual education courses of the following types:

(i) A course that meets the definition of virtual education pursuant to Section 2(o) of this rule and that is designed and delivered by the district utilizing a virtual education teacher employed by the district to provide course instruction;

(ii) A course that meets the definition of virtual education pursuant to Section 2(o) of this rule and that is procured from a vendor, which may be taught by a virtual education teacher provided by the vendor, and which may be a vendor operating in-state or out-of-state, or a Wyoming post-secondary institution; or,

(iii) A combination of district- and vendor-provided courses as described in paragraphs (i) and (ii) above.

(e) For School Year 2017-2018 and each year thereafter, prospective virtual education program providers shall submit a letter of intent to the Department by May 1 applying for inclusion in the Wyoming virtual education program and to be considered for the succeeding school year. The letter of intent shall provide:

(i) Information on the district’s intention to operate as a full-time virtual education provider, a part-time virtual education provider, or both a full- and part-time virtual education provider;

(ii) Information on the district's intention to limit student participation in its full- and/or part-time virtual education program to only students already enrolled in the district or to also make participation available to students enrolled in other Wyoming districts;

(iii) A virtual education program overview that describes general information such as the program's title, administrative contacts, method(s) of delivery, maximum allowed student to teacher ratios and instructor's course load, and proposed course offerings and capacity; and,

(iv) A signed assurance statement maintaining that the letter of intent has been approved by the local board and the district possesses the necessary financial, personnel, and technical infrastructure capacity to effectively operate the proposed virtual education program.

(f) The Department will review all letters of intent submitted for consideration and approve only those from districts that have been accredited by the State Board pursuant to W.S. 21-2-304(a)(ii) and for which there is no evidence bringing into question the district's assurance that it possesses the necessary financial, personnel, and technical infrastructure capacity to effectively operate the proposed virtual education program. Following review, the Department may request additional information and may recommend that a district make changes to its letter of intent. If a letter of intent is denied, the district may seek reconsideration on the basis of new or additional information or other revisions made to the letter.

(g) After the approval of the letter of intent, the prospective virtual education program provider shall submit a program application created from Department-approved templates and in accordance with any virtual education program guidelines published by the Department. The application shall provide:

(i) A course evaluation narrative that describes:

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

(B) Procedures for course evaluation.

(ii) A student accountability narrative that details:

(A) The enrollment requirements of the student, with information on the enrollment of students within the district and students enrolled by other districts as applicable;

(B) A description of pre-enrollment consultation requirements, to include:

(I) A process to verify that the virtual education course(s) is appropriate to the learning capabilities of the individual student; and,

(II) Required virtual education training, simulations, readiness

surveys, or experience prior to the start of class(es);

(C) For any course that is offered through a part-time, or a full-time virtual education provider in a brick and mortar setting, whether offered by a district to its own students or offered by another district, the anticipated roles and duties of the school in which the student has primary enrollment, which shall include the district's assignment of a learning coach to assist the student, and monitor student progress throughout the duration of the virtual education course(s), assist with data collection and reporting, and communicate with the student's parent or legal guardian as appropriate;

(D) For any course that is offered through a full-time virtual education provider outside of a brick and mortar setting, the requirements and specific duties to be assigned to a family-designated learning coach, which shall include regular monitoring of student progress, ensuring that any necessary instructional support is provided, assisting with tracking and reporting student participation in virtual education, and other appropriate duties as may be assigned by the provider; and,

(E) An intervention plan to assist any student not performing satisfactorily or failing to achieve required progress.

(iii) A virtual education teacher accountability narrative that details:

(A) The professional development opportunities available to a virtual education teacher, to include:

(I) Pre-service components which shall be required of all instructors that possess no previous experience teaching within the virtual 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 virtual education instructors, such as, 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 virtual education pedagogy.

(iv) A learning coach technical assistance and development narrative that describes the support, technical assistance, and professional development that the provider will make available to district-assigned learning coaches, family-designated learning coaches, or both.

(h) The Department may require necessary corrections or improvements before final approval of the program application.

(i) After the approval of the program application, the virtual education program provider shall provide the following information using templates made available by the Department:

(i) A course list with information that includes the course title, description, suggested grade level(s), subject area, course calendar outlining any synchronous requirements, course delivery method, and any other information required by the Department;

(ii) A course syllabus that outlines the topics, objectives, and other mandatory benchmarks presented throughout the coursework, and information on the alignment of the course to the state content and performance standards;

(iii) Course participation requirements which shall define the expectations for the interaction of any student enrolled in the course with the virtual education course, and which shall be measurable, recorded, and verified by the virtual education teacher;

(iv) A description of what a participating student must do to complete the course, including, if permitted, completion prior to the end of the term;

(v) The measurable participation elements that are required in order to successfully complete the course, which shall include attendance and a description of the party(ies) having primary responsibility for data collection and reporting; and,

(vi) The amount of tuition for the course if it is available for single course purchase.

(j) Approval of each course shall be determined by the Department based on the information described above and any other information that it requests. Necessary corrections or improvements may be required before final approval.

(k) Any entity that develops a virtual education course to be sold, licensed, or otherwise made available to a Wyoming virtual education provider shall provide the district that is the virtual education provider with any information required by the district, including assurances and evidence that:

(i) The provider is accredited by an appropriate accrediting entity;

(ii) The provider will comply with all Federal, state, and local requirements regarding data collection, student data privacy, and data security;

(iii) The course is aligned with the state content and performance standards;

(iv) The course instructor meets all requirements established in statute and this rule for a virtual education teacher; and

(v) Any administrator, tutor, or staff who may have access to any Wyoming virtual education student that is a minor has been required to submit fingerprinting to the

provider for the purpose of obtaining state or national criminal history record information before assuming any role related to a Wyoming virtual education course.

#### **Section 4. Wyoming Virtual Education Program Renewal and Updates.**

(a) Any full- or part-time virtual education program provider shall update the virtual education course calendar information and verify the accuracy of all other course components each year in accordance with the virtual education program update schedule established by the Department. Updates to course participation requirements will not be accepted for active virtual education courses that have students currently enrolled.

(b) Any virtual education program provider may request to remove any course offering or its entire program from the virtual education program catalog provided that none of the courses are active virtual education courses and the Department is immediately notified.

(c) Any virtual education program provider may update any component of its virtual education program application and submit it for evaluation.

(d) The Department shall remove any virtual education program provider from the Wyoming virtual education program if it loses accreditation or fails to comply with the policies outlined in these rules.

#### **Section 5. Enrolling and Withdrawing Students.**

(a) Any student participating in one or more part-time virtual education courses shall remain enrolled in the district in which the student resides. This enrollment shall be considered primary enrollment as distinguished from any other enrollment arrangements. Unless specified as concurrent enrollment or dual enrollment, the use of the term enrollment in this section means primary enrollment.

(b) After confirming the intention of the student to participate in any virtual education course approved by the Department and offered by another Wyoming district that is an approved part-time virtual education provider, the district shall have not more than five (5) business days to verify concurrent enrollment of the student with the part-time virtual education provider and to enter into an agreement, as described in Section 10 of this rule, with the virtual education provider. Prior to completion of concurrent enrollment, a part-time virtual education provider shall be prohibited from collecting information from a prospective virtual education student without the consent of the district in which the student is enrolled.

(c) Any student who elects, with the consent of a parent or legal guardian if required, to participate in a full-time virtual education program offered by a district that is not the district in which the student resides, shall no longer be enrolled in the district in which the student resides. Such district, upon confirming the intention of the student to enroll in a Department-approved full-time virtual education program, shall withdraw the student from the district, if necessary, and confirm enrollment by the district that is the full-time virtual education provider within not more than ten (10) business days. The full-time virtual education provider shall formally document the student transfer and the request of student records by sending

written notification to the district in which the student was previously enrolled. The two districts may enter into an agreement, as described in Section 10 of this rule, for any services or courses that are to be provided to the student by the district in which the student resides.

(d) Upon withdrawal of any student from a part-time virtual education course, whether withdrawal is initiated by the student or the district that is the course provider, the provider shall provide written notice to the district in which the student is enrolled within five (5) business days and the two districts shall work together to enroll the student in another course, which may be a virtual education course, if such enrollment is necessary to fulfill the statewide educational program required by W.S. § 21-9-101 and W.S. § 21-9-102. If the student is enrolled in a different virtual education course, a new course and services agreement shall be entered into between the districts in accordance with Section 10 of this rule.

(e) Upon withdrawal of any student from a full-time virtual education course or program, whether withdrawal is initiated by the student or the district that is the virtual education provider, the provider shall notify the district in which the student resides within five (5) business days and the two districts shall work together to enroll the student in another course, which may be a virtual education course, if such enrollment is necessary to fulfill the statewide educational program required by W.S. § 21-9-101 and W.S. § 21-9-102. If the student withdraws or is withdrawn from one or more virtual education course and elects to participate in a part-time virtual education program, the district in which the student resides shall enroll the student and establish concurrent enrollment with the part-time virtual education provider as required in paragraph (a) of this section.

(f) Any part-time virtual education provider and the district in which the student is enrolled shall agree on and clearly outline a process for sharing information on the student's progress, participation, and any changes in enrollment.

(g) Department data collection policies shall be used to document all student enrollments into a virtual education program.

(h) As outlined in Section 10 of these rules, a course and services agreement shall be entered into between any district which enrolls a student participating in one or more part-time virtual education courses offered by another district and the district that is the part-time virtual education provider or any student enrolled in a full-time virtual education program who participates in one or more part-time brick and mortar courses offered by another district.

(i) A 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 enroll or continue enrollment in a Department-approved virtual education program(s) provided that the student is able to comply with course-specific participation requirements and participate in all required state and district assessments in adherence with Department regulations, guidance, and instructions.

(j) In the event a student enrolled in a district elects to participate in more than one part-time virtual education programs, and through the combination of such programs receives more than fifty percent (50%) of the required statewide educational program as prescribed by W.S. § 21-9-101 and W.S. § 21-9-103, the district in which the student is enrolled retains the

responsibility for enrollment.

**Section 6. Additional Department Responsibilities.**

(a) The Department shall maintain, facilitate, and monitor the Wyoming virtual education program. Monitoring activities shall include:

(i) The review, at least annually, of virtual education program and course data and information collected;

(ii) The use of data and information on full-time virtual education students, with disaggregation of assessment data and other measures of academic performance, in the statewide systems of accountability and accreditation; and,

(iii) In consultation with the Professional Teaching Standards Board and school districts, the review, at least annually, of data on adherence to the minimum professional development requirements provided for in Section 7 by teachers utilizing virtual education methods to instruct students.

(b) The Department shall annually publish on its web site a virtual education program course catalog containing course-specific information including the per-course tuition established by the school district that has been approved to offer the course.

(c) The Department shall provide training and technical assistance to school districts, including professional development for teachers and school administrators as required under W.S. § 21-2-202(a)(xxx)(B), for the delivery, review, and research of virtual education programming available through the virtual education program.

(d) The Department shall provide training and technical assistance, which shall include current information and research regarding student and course accountability, and professional development for teachers and school administrators on virtual education pedagogy, 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 virtual education courses.

(f) The Department shall maintain a list of virtual education coordinators who shall assist with monitoring virtual education programs within the district and with the collection of data among districts, in addition to responsibilities that may be designated by the district. Every district shall designate a virtual education coordinator as required by the Department.

(g) The Department shall establish and periodically convene a virtual education advisory committee to make recommendations on revisions to this rule, provisions of other administrative rules that have an impact on virtual education, and relevant state statutes. The virtual education advisory committee shall also serve in an advisory capacity to school districts seeking to improve the delivery of virtual education courses. The committee shall be made up of not less than seven (7) members appointed by the state superintendent from a list of nominees compiled by the Department which shall include representatives from Wyoming school districts



and other state agencies involved in the delivery of virtual education. Members shall serve a term of not more than four (4) years. Initial appointments shall provide for staggered terms. Vacancies shall be filled on a rolling basis as needed to maintain the minimum number of members and representation from across the state.

### **Section 7. Minimum Requirements for Virtual Education Teachers.**

(a) Any virtual education course provided by a school district established pursuant to the laws of this state shall have a designated instructor who shall be the virtual education teacher for the course and who must meet the requirements of W.S. § 21-7-303.

(b) Any district offering a virtual education program shall require any teacher assigned to teach an active virtual education course to complete, on an annual basis, at least one (1) workshop focused primarily on using virtual education methods to instruct students. Any workshop used to satisfy this minimum requirement shall be at least seven (7) hours or the equivalent. For any virtual education teacher subject to the requirements of 21-7-303(a), the workshop used to satisfy this requirement shall be approved by the Wyoming Professional Teaching Standards Board.

(c) The Department shall annually monitor district adherence to the minimum requirements for teacher professional development and shall obtain from the Professional Teaching Standards Board and the district, as necessary, information on teacher participation in required workshops.

### **Section 8. Use of a Learning Management System, Data Collection and Reporting.**

(a) Any district that is a virtual education provider shall use a learning management system (LMS) to administer, document, track, report, and deliver virtual education courses.

(b) Any district that is a virtual education provider shall have the option of utilizing a centralized learning management system established by the Department. A district may instead elect to establish an individual or independent learning management system provided such system is capable of being used, and is used with regard to each active virtual education course, to administer, document, track, report, and deliver virtual education courses. Any individual or independent learning management system must also be designed and operated such that appropriate personnel from the district in which any student participating in any virtual education course is enrolled are able to utilize the virtual education program provider's learning management system to monitor student progress and participation and to collect participation data, as needed, for purposes of state-required reporting.

(c) Any virtual education provider shall collect in a learning management system and maintain in the district's permanent student information system or other Department-approved reporting system:

(i) Student participation rates based on the course-specific participation requirements approved by the Department, including equivalent attendance;

(ii) Course completion rates and information for each course;

(iii) Internal survey results if available; and,

(iv) Reports required by the Distance Education Grant (DEG) outlined in Section 11 of these rules, 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 virtual education course(s) in addressing student needs.

(d) A district electing to use a Department-approved reporting system in lieu of a permanent student information system for purposes of collecting the information described in paragraph (c) of this section, must ensure that its reporting system includes all elements needed to satisfy Department-required data collections and enables compliance with all Federal, State, and local requirements regarding data collection, student data privacy, and data security.

(e) Data collection is ultimately the responsibility of the virtual education provider and each virtual education teacher who is the instructor of an active virtual education course.

(i) A part-time virtual education provider shall enable the district in which any virtual education student is enrolled to access the provider's LMS and shall establish through a course and services agreement any data or information that the district-assigned learning coach is responsible for recording. A district-assigned learning coach may delegate data collection and reporting to another district employee as appropriate.

(ii) A full-time virtual education provider shall enable the family-designated learning coach of any student enrolled in an active virtual education course to access the provider's LMS for purposes of recording student participation in the course and monitoring student progress.

(f) The Department shall:

(i) Monitor student virtual education enrollment and participation information;

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

(iii) Annually survey the virtual education program providers' administrators, instructors, and students concerning the quality and effectiveness of programming available through the Wyoming virtual education program;

- (iv) Compile Department survey results and data on enrollment and participation;
- (v) Provide a summary of virtual education course(s) available through the Wyoming virtual education program; and,
- (vi) Present a compilation report on the information collected from virtual education program providers utilizing the DEG program.

**Section 9. Average Daily Membership.**

- (a) Each student participating in virtual education, as defined in course-specific participation requirements approved by the Department, shall be included in the Average Daily Membership of the district in which the student is enrolled 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 virtual education programs approved by the Department and received by school districts that are accredited by the State Board.
- (c) Average Daily Membership for virtual education courses shall be based on student meeting participation requirements rather than attendance, as described in Section 12.

**Section 10. Course and Services Agreements and Additional Responsibilities of Districts.**

- (a) Any two districts established pursuant to the laws of this state may enter into a course and services agreement to allow pupils enrolled in one district to receive a portion of the pupil's education from another district. Any such agreement may provide for a pupil's participation in one or more active virtual education courses, one or more traditional (non-virtual) courses, or any combination of virtual and non-virtual courses so long as more than fifty percent (50%) of the required educational program is provided by the district in which the student is enrolled.
- (b) Any such agreement shall be in effect for a period of not more than twelve (12) consecutive months and have a start and end date that generally correspond to the school calendar, and shall include the following, as applicable:
  - (i) The identification of each district's point-of-contact to include first and last name, position/title, and contact information;
  - (ii) For each course, the cost to be paid, on a per-course basis and in an amount equal to or less than the ADM amount of the district providing the course prorated to reflect the number of courses provided;
  - (iii) Information on how the tuition amount is calculated, the method of payment to be utilized, and payment due date(s);

(iv) The responsibilities of each district for ensuring that each student has access to the appropriate electronic equipment, connectivity, and resources needed to participate in any virtual education course(s);

(v) A description of the process that will be used to ensure that the district in which the student is enrolled has access to the appropriate records and resources needed to monitor a student's participation, including participation in any virtual education course(s), as well as access to the provider's LMS for purposes of data reporting;

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

(A) The access of resources at the district in which the student is enrolled;

(B) Required tutoring and/or mentoring services;

(C) Testing and assessment services to include a timeline or schedule appropriate to the instruction provided to the student(s);

(D) Academic counseling services;

(E) Library services;

(F) Extracurricular activities; and,

(G) Special needs requirements.

(vii) If the agreement is for one or more virtual education courses and the district in which the student is enrolled does not have a qualified virtual education site coordinator, the course and services agreement shall include:

(A) A description of the training required of the 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) If the agreement is for one or more virtual education courses, 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 by the district in which the student is enrolled including any records of special education;

(x) A conflict resolution policy; and,

(xi) The signatures of each district's superintendent or designee, in accordance with district policies.

(c) Any agreement shall be made in writing and a copy kept on file by both districts for a period of not less than five (5) years.

(d) The district in which the student is enrolled, in collaboration with the virtual education program provider(s), shall regularly monitor the progress of any virtual education course participant to ensure the student is actively engaged and completing the required course participation elements and to ensure that the needs of all virtual education students, including those identified as gifted and talented, at-risk, or students with disabilities, are met.

(e) The district in which the student is enrolled shall ensure that any student participating in a virtual education program is evaluated, tested, and monitored at the same intervals as other students in the grade in which the student is assigned and in accordance with the assessment policies of the state and district.

(f) Any district that is a full- or part-time virtual education provider shall ensure that any teacher instructing a virtual education course offered by the district meets the minimum requirements for virtual education teachers provided for in Section 7 of this rule.

#### **Section 11. The Distance Education Grant (DEG) Program.**

(a) The DEG Program shall be available to Wyoming school districts, Wyoming community colleges, and the University of Wyoming, except that Wyoming community colleges and the University of Wyoming shall only be eligible to receive DEG program funds for courses that are or will be developed for and targeted to secondary students enrolled in a Wyoming school district through dual or concurrent enrollment.

(b) 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 virtual education program 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 virtual education program 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, concurrent 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 if funds appropriated to the Department of Education permits.

(d) The priority of the DEG Program shall be available for the development and maintenance of virtual 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, concurrent 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 publicly accessible rubrics. The evaluation of the grants shall be based in part 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 virtual 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 virtual 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 virtual education course(s) receiving grant assistance;

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

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

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

## **Section 12. Participation.**

(a) Each virtual education course approved by the Department shall have clearly defined requirements for the participation of any student enrolled in the course.

(b) Course participation requirements shall establish expectations for student interaction with the virtual education course. They shall also be measurable, recorded, and verified by the virtual education teacher. Participation requirements shall be used by the districts and the Department for funding and accountability purposes.

(c) Any district that is a virtual education provider shall be responsible for documenting and recording in the learning management system used by the district, not less than once every five (5) program days, the participation of any student enrolled in the course.

(d) For each course, the number of days any student is reported as having participated shall be based on the course-specific virtual education program calendar submitted to the Department.

(e) At the end of each school year, for purposes of determining membership, the number of days on which a student was enrolled and participating in virtual education shall be the number of days in membership and must be converted to the number of days in the school calendar. The number of days in membership shall be divided by the number of regularly scheduled courses in the school in which the student is enrolled. The sum shall be the aggregate membership (e.g., if a student has one-hundred and seventy-five (175) days of virtual course participation and the school in which the student is enrolled offers eight (8) regularly-scheduled courses, the student's aggregate membership for the course would be 21.875).

(f) A district's documentation and recording of student participation in any virtual education course offered by the district shall be compiled in a participation report generated by a learning management system to include automatically recorded and virtual education teacher recorded elements. The participation report shall be generated at the administrative level and stored for future audit and monitoring purposes.

### **Section 13. Assessment and Accountability.**

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

(b) Each student participating in a virtual education course(s) shall be subject to the Wyoming statewide assessments as required by 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 district assessment results, and accountability as required by W.S. § 21-2-204 shall be the responsibility of the district in which the student is enrolled.

(d) In the event a student enrolled in a district elects to participate in more than one part-time virtual education programs, and through the combination of such programs receives more than fifty percent (50%) of the required statewide educational program as prescribed by W.S. § 21-9-101 and W.S. § 21-9-103, the district in which the student is enrolled retains the responsibility for administering all required assessments. However, since no virtual education program provider is providing the student with a full-time virtual education program, student performance on assessments is not required to be disaggregated and reported as part of a virtual education subgroup.

## Chapter 41 Distance-Virtual Education

**Section 1. Authority.** These rules are promulgated by the Wyoming Department of Education in consultation with the Wyoming State Board of Education and the Wyoming Professional Teaching Standards Board under the authority of W.S. § 21-2-202(a)(xxxi) 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 Wyoming school district. The provisions of this Chapter shall apply to all distance education courses offered by Wyoming school districts distance education courses from which academic credit will be transferred to or accepted by a Wyoming school district.~~

**Section 3-2. Definitions.** For purposes of all distance-virtual 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-virtual Education Course education course” means any distance virtual education course offered by an approved full- or part-time virtual education provider 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;~~

(b) “Concurrent enrollment” means, and is generally understood by district and school personnel to mean, an opportunity made available by a single district for a high school student to take one or more courses taught by a college-approved high school teacher for both high school course credit and transcribed college credit; however, for purposes of this rule and the Department’s administration of the Wyoming virtual education network, it also means an arrangement between two districts established pursuant to the laws of this state by which a student primarily enrolled in one district is permitted to have secondary enrollment in another district for a portion of the student’s educational program;

(c) (j) “Memorandum of Understanding (MOU) “Course and services agreement” means an signed documented agreement entered into between any two (2) districts establishing terms and conditions under which a district that allows one or more students enrolled in one school district in the state to receive a portion of the pupil’s education, which may be provided through virtual education, from another district in the state, as provided for under W.S. § 21-4-502(c), whereby the district providing for the enrollment of the student shall include the student within its average daily membership (ADM) and the district providing a portion of the student’s



education will assess tuition to be paid by the district of enrollment. Tuition shall be calculated on a per course basis equal to or less than the ADM amount of the district providing the course prorated for the number of courses provided a distance education program provider and a resident district outlining fees paid for a distance education program, educational support provided to the student(s), required training, and conflict resolution policy;

(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;~~

~~(h) “Distance Learning Plan (DLP)” means an agreement between a school district or districts, a student and his parents or guardian outlining the district 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);~~

(e) “District-assigned learning coach” means an employee of the district in which a part-time virtual education student is enrolled who shall be assigned by the district or school to serve to monitor that student’s progress in virtual education, coordinate any instructional support needed at the request of the virtual education teacher, assist with data collection and reporting, and communicate with the student’s parent or legal guardian as appropriate in order to facilitate the student’s successful participation in virtual education;

(f) “Dual enrollment” means an opportunity for a high school student to take one or more college-credit-bearing courses taught by a college-level instructor and to earn transcribed college credit as well as high school credit at the time the student successfully passes the course. Any courses that meet this definition of dual enrollment are not subject to this rule;

(g) “Family-designated learning coach” means a parent, legal guardian, or another responsible adult designated by a full-time virtual education student’s parent or legal guardian who shall serve as the point of contact for the virtual education teacher and virtual education provider for purposes of monitoring student progress, ensuring that any necessary instructional support is provided, assisting with tracking and reporting student participation in virtual education, and other appropriate duties as may be assigned by the virtual education provider;

(h) “Full-time virtual education” means providing more than fifty percent (50%) of the statewide educational program, required by W.S. § 21-9-101 and W.S. § 21-9-102, through virtual education by a single school district established pursuant to the laws of this state;

(i) “Full-time virtual education provider” means any school district established pursuant to the laws of the state that offers one or more virtual education courses approved by the Department and provides full-time virtual education for any student;

~~(j)~~ (i) “Local Board-board” means the educational governing body established at each Wyoming school district in accordance with W.S. § 21-3-10+5;

(k) ~~“Milestones” means achievable performance benchmarks required for completion of the program which are used to track student progress through the course;~~

(l) ~~“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) “Part-time virtual education” means providing fifty percent (50%) or less of the statewide educational program, required by W.S. § 21-9-101 and W.S. § 21-9-102, through virtual education, by a school district established pursuant to the laws of this state;

(l) “Part-time virtual education provider” means any school district established pursuant to the laws of this state that offers one or more virtual education courses approved by the Department and provides part-time virtual education for any student;

(m) ~~“Program” means one or more distance-virtual education courses;~~

(n) ~~“Resident district” means the school district in which the participating student resides, receives distance education program instruction and where the student’s distance learning plan (DLP) is filed;~~

(o) ~~“State Board” means the Wyoming State Board of Education as created by W.S. § 21-2-304(a);~~

(p) ~~“Student” means a resident of Wyoming as described in W.S. § 21-4-102;~~

(n) (q) “Synchronous” means instruction delivered by the instructor-virtual education teacher and received by the student concurrent in time;

(o) (f) “Distance Education-“Virtual education” means instruction of one or more Department-approved courses administered primarily through technology outside of the physical classroom, 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 and which may be distinguished from other types of courses in that the physical separation of the virtual education teacher and student(s) substantially limits or even prohibits the teacher from providing a preponderance of course instruction in-person;

(p) “Virtual education teacher” means the instructor of a Department-approved virtual education course who, regardless of whether the instructor is an employee of a school district established pursuant to the laws of this state, shall meet the certification or permit requirements of W.S. § 21-7-303(a). In addition to providing instruction primarily through technology outside of the physical classroom, the teacher shall have duties that generally include facilitating student learning, monitoring student progress, providing and grading assignments, and providing qualitative feedback, all of which can and generally are provided through technology;

~~(g)~~ —“Distance education program provider” means a Wyoming nonresident school district, a consortia of school districts, a Wyoming post-secondary institution, or an out-of-state institution that delivers a distance education program;

~~(q)~~ ~~(r)~~ “Wyoming Switchboard Network (WSN) Wyoming virtual education program” means an approved network of Department-approved distance virtual education programs and courses that meet state-established guidelines for course content and delivery.

### **Section 4.3. Process to Join the Wyoming Switchboard Network (WSN) Virtual Education Program.**

~~(a)~~ For School Year 2008-2009, current distance education program providers shall submit the required information in sub-section (b) as soon as possible. The Department shall annually review and approve full-time and part-time virtual education programs, and the specific courses to be offered, which together shall constitute the Wyoming virtual education program.

~~(b)~~ A district must seek approval to operate as a full-time virtual education provider, a part-time virtual education provider, or both a full- and part-time virtual education provider, regardless of whether the district intends to offer virtual education courses to students enrolled within the district or to students enrolled in other Wyoming districts, or both.

~~(c)~~ Unless offering one or more virtual education courses as part of its educational program, a district is not required to seek approval to operate as a virtual education provider if one or more students enrolled in the district is concurrently enrolled with a district that is an approved part-time virtual education provider.

~~(d)~~ Subject to the requirements established in this rule, as well as other applicable state and local laws and regulations, a district that seeks approval as a full- or part-time virtual education program provider may do so with the intent to offer one or more virtual education courses of the following types:

~~(i)~~ A course that meets the definition of virtual education pursuant to Section 2(o) of this rule and that is designed and delivered by the district utilizing a virtual education teacher employed by the district to provide course instruction;

~~(ii)~~ A course that meets the definition of virtual education pursuant to Section 2(o) of this rule and that is procured from a vendor, which may be taught by a virtual education teacher provided by the vendor, and which may be a vendor operating in-state or out-of-state, or a Wyoming post-secondary institution; or,

~~(iii)~~ A combination of district- and vendor-provided courses as described in paragraphs (i) and (ii) above.

~~(e)~~ ~~(b)~~ For School Year 2009-17-2010-18 and each year thereafter, prospective Wyoming distance virtual education program providers shall submit a letter of intent to the Department by May 1 applying for inclusion in the to add its distance education program(s) to the WSN Wyoming virtual education program and to be considered for the succeeding school

year. The letter of intent shall provide:

(i) Information on the district's intention to operate as a full-time virtual education provider, a part-time virtual education provider, or both a full- and part-time virtual education provider;

(ii) Information on the district's intention to limit student participation in its full- and/or part-time virtual education program to only students already enrolled in the district or to also make participation available to students enrolled in other Wyoming districts;

(iii) (i)-A ~~distance-virtual~~ education program overview that describes general information such as the program's title, administrative contacts, method(s) of delivery, maximum allowed student to teacher ratios and instructor's course load, and proposed course offerings and capacity; and,

(iv) (ii)-A signed assurance statement maintaining that the letter of intent ~~distance education program~~ has been approved by the local board and the district possesses the necessary financial, personnel, and technical infrastructure capacity to effectively operate the proposed virtual education program.

(f) (e)-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. The Department will review all letters of intent submitted for consideration and approve only those from districts that have been accredited by the State Board pursuant to W.S. 21-2-304(a)(ii) and for which there is no evidence bringing into question the district's assurance that it possesses the necessary financial, personnel, and technical infrastructure capacity to effectively operate the proposed virtual education program. Following review, the Department may request additional information and may recommend that a district make changes to its letter of intent. If a letter of intent is denied, the district may seek reconsideration on the basis of new or additional information or other revisions made to the letter.

(g) (d)-After the approval of the letter of intent, the prospective Wyoming ~~distance-virtual~~ education program provider shall submit a ~~WSN~~-program application created from Department-approved templates and in accordance with any virtual education program guidelines published by the Department. The ~~WSN~~-program application shall provide:

(i) A course evaluation narrative that describes:

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

(B) Procedures for course evaluation.

(ii) A student accountability narrative that details:

(A) The enrollment requirements of the student, with information on the enrollment of students within the district and students enrolled by other districts as

applicable;

(B) A description of The pre-enrollment consultation requirements, to include:

(I) A process to verify that the distance-virtual education course(s) is appropriate to the learning capabilities of the individual student; and,

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

(C) For any course that is offered through a part-time, or a full-time virtual education provider in a brick and mortar setting, whether offered by a district to its own students or offered by another district, The anticipated roles and duties of the resident-school-s in which the student has primary enrollment, which shall include the district's assignment of a learning coach to instructional support that assists the student, and monitors their student progress throughout the duration of the distance-virtual education course(s), assist with data collection and reporting, and communicate with the student's parent or legal guardian as appropriate;

(D) For any course that is offered through a full-time virtual education provider outside of a brick and mortar setting, the requirements and specific duties to be assigned to a family-designated learning coach, which shall include regular monitoring of student progress, ensuring that any necessary instructional support is provided, assisting with tracking and reporting student participation in virtual education, and other appropriate duties as may be assigned by the provider; and,

~~(D) The distance education program provider administrators' and instructors' accountability for monitoring student performance; and,~~

(E) An intervention plan to assist any student not performing satisfactorily or failing to achieve required progress ~~through course Milestones.~~

(iii) ~~An instructor-virtual education teacher~~ accountability narrative that details:

(A) ~~The professional development opportunities available to instructors a virtual education teacher,~~ to include:

(I) Pre-service components which shall be required of all instructors that possess no previous experience teaching within the distance-virtual 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-virtual 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~~-virtual education pedagogy.

(iv) A learning coach technical assistance and development narrative that describes the support, technical assistance, and professional development that the provider will make available to district-assigned learning coaches, family-designated learning coaches, or both.

~~(iv) — A partnership plan narrative that describes the expectations and requirements the distance education program provider will have for the resident district, and how the distance education program provider will coordinate the proper support and training for resident district personnel.~~

~~(h) (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.~~

~~(i) (f) After the approval of the WSN-program application, the distance-virtual education program provider shall provide the following information using templates made available by the Department: a credit course application for each proposed course, created from Department approved templates, that consists of:~~

~~(i) A course list with General course information that includes basic details such as the course title, description and syllabus, suggested grade level(s), subject area, course calendar outlining any synchronous requirements, and course delivery method, and any other information required by the Department;~~

~~(ii) A course syllabus scope that outlines the topics, objectives, assessments, and other mandatory benchmarks presented throughout the coursework, and information on the alignment of the course to the state content and performance standards;~~

~~(iii) Course participation requirements which shall define the expectations for the interaction of any student enrolled in the course with the virtual education course, and which shall be measurable, recorded, and verified by the virtual education teacher;~~

~~(iv) A description of what a participating student must do to complete the course, including, if permitted, completion prior to the end of the term;~~

~~(v) (iii) A Milestones checklist of compulsory topics and objectives from the course scope. The measurable participation elements that are required in order to successfully complete the course-, which shall include attendance and a description of the party(ies) having primary responsibility for data collection and reporting; and, 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;

~~(iv) — A course standards alignment that documents which Wyoming Content and Performance Standards are addressed by each course; and,~~

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

(vi) The amount of tuition for the course if it is available for single course purchase.

(j) (g) Approval of each credit course application shall be determined by the Department based on the information described above and any other information that it requests. Necessary corrections or improvements shall may be required before final approval of each credit course application.

(k) (h) A Wyoming post-secondary distance education program may apply for membership to the WSN by submitting a program overview that describes general information such as the program's title, administrative contacts, and method(s) of delivery. Any entity that develops a virtual education course to be sold, licensed, or otherwise made available to a Wyoming virtual education provider shall provide the district that is the virtual education provider with any information required by the district, including assurances and evidence that:

(i) The provider is accredited by an appropriate accrediting entity;

(ii) The provider will comply with all Federal, state, and local requirements regarding data collection, student data privacy, and data security;

(iii) The course is aligned with the state content and performance standards;

(iv) The course instructor meets all requirements established in statute and this rule for a virtual education teacher; and

(v) Any administrator, tutor, or staff who may have access to any Wyoming virtual education student that is a minor has been required to submit fingerprinting to the provider for the purpose of obtaining state or national criminal history record information before assuming any role related to a Wyoming virtual education course.

~~(i) — A Wyoming school district that accepts credits from an out-of-state distance education program provider may apply for membership to the WSN. A resident district that collaborates with an out-of-state distance education program shall:~~

~~(i) — Verify that the out-of-state distance education program provider is accredited by a regional accrediting agency;~~

~~(ii) — Submit a program overview that describes general information such as~~

~~the program's title, administrative contacts, and method(s) of delivery;~~

~~(iii) Provide the student with access to a Wyoming certified teacher to act as their instructional support to assist the student and monitor their progress throughout the duration of the course(s);~~

~~(iv) Ensure that the selected distance education course(s) meets or exceeds:~~

~~(A) State and district standards for course content;~~

~~(B) State education program requirements established by W.S. § 21-9-101 and W.S. § 21-9-102; and~~

~~(C) Other necessary local and state requirements.~~

~~(v) Limit student participation to supplemental course registrations unless a waiver is approved by the Department to allow for fulltime student enrollments; and~~

~~(vi) Verify the distance education program provider maintains optimal student to teacher ratios of no more than 25:1 and the instructor does not deliver more than six (6) course sections.~~

#### **Section 5.4. WSN Wyoming Virtual Education Program Renewal and Updates.**

~~(a) All Any nonresident district distance full- or part-time virtual education program providers shall update the virtual education course calendar information and verify the accuracy of all other course components each year in accordance with the virtual education program update schedule established by the Department. Updates to course Milestones participation requirements will not be accepted for active distance-virtual education courses that have students currently enrolled.~~

~~(b) (e) Distance Any virtual education program providers may request to remove any course offerings or its entire program from the WSN-virtual education program catalog provided that none of the courses are active distance-virtual education courses and the Department is immediately notified.~~

~~(c) (b) All Any distance-virtual education program providers may update any components of its WSN-virtual education Pprogram Aapplication and submit it for evaluation.~~

~~(d) The Department shall remove any distance-virtual education program providers from the WSN-Wyoming virtual education program if it loses accreditation or fails to comply with the policies outlined in these rules.~~

#### **Section 6.5. Enrolling and Withdrawing Students.**

~~(a) All Any student participating in one or more distance-part-time virtual education courses shall remain enrolled enrollments in the district in which the student resides are initiated at the resident district in accordance with W.S. § 21-13-330(g)(ii). This enrollment shall be considered primary enrollment as distinguished from any other enrollment arrangements. Unless~~



specified as concurrent enrollment or dual enrollment, the use of the term enrollment in this section means primary enrollment.

(b) After confirming the intention of the student to participate in any virtual education course approved by the Department and offered by another Wyoming district that is an approved part-time virtual education provider, the resident district shall have not more than ten (10) five (5) business days to verify concurrent enrollment of the student with the part-time virtual education provider and to enter into an agreement, as described in Section 10 of this rule, with the virtual education provider and, if necessary, assign the student to a resident district school that provides an appropriate grade level instruction. A distance education program provider shall not enroll or collect any student information prior to the resident district's consent, which consent shall not be unreasonably withheld. Prior to completion of concurrent enrollment, a part-time virtual education provider shall be prohibited from collecting information from a prospective virtual education student without the consent of the district in which the student is enrolled.

(c) Any student who elects, with the consent of a parent or legal guardian if required, to participate in a full-time virtual education program offered by a district that is not the district in which the student resides, shall no longer be enrolled in the district in which the student resides. Such district, upon confirming the intention of the student to enroll in a Department-approved full-time virtual education program, shall withdraw the student from the district, if necessary, and confirm enrollment by the district that is the full-time virtual education provider within not more than ten (10) business days. The full-time virtual education provider shall formally document the student transfer and the request of student records by sending written notification to the district in which the student was previously enrolled. The two districts may enter into an agreement, as described in Section 10 of this rule, for any services or courses that are to be provided to the student by the district in which the student resides.

(d) Upon withdrawal of any student from a part-time virtual education course, whether withdrawal is initiated by the student or the district that is the course provider, the provider shall provide written notice to the district in which the student is enrolled within five (5) business days and the two districts shall work together to enroll the student in another course, which may be a virtual education course, if such enrollment is necessary to fulfill the statewide educational program required by W.S. § 21-9-101 and W.S. § 21-9-102. If the student is enrolled in a different virtual education course, a new course and services agreement shall be entered into between the districts in accordance with Section 10 of this rule.

(e) Upon withdrawal of any student from a full-time virtual education course or program, whether withdrawal is initiated by the student or the district that is the virtual education provider, the provider shall notify the district in which the student resides within five (5) business days and the two districts shall work together to enroll the student in another course, which may be a virtual education course, if such enrollment is necessary to fulfill the statewide educational program required by W.S. § 21-9-101 and W.S. § 21-9-102. If the student withdraws or is withdrawn from one or more virtual education course and elects to participate in a part-time virtual education program, the district in which the student resides shall enroll the student and establish concurrent enrollment with the part-time virtual education provider as required in paragraph (a) of this section.

~~(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;~~

~~(iii) — Possesses information that can be used as course Milestones to track student progress through the course; and,~~

~~(iv) — Meets the resident district's program and content standards.~~

~~(e) — The resident district shall notify the distance education program provider of the student's intent to register for any distance education coursework. The distance education program provider sets the last day for registration.~~

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

~~(i) — The Distance Learning Plan shall be completed by the resident district's designee in collaboration with the distance education program provider'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.~~

~~(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 twelve (12) months;~~

~~(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, and number of required Milestones;~~

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

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

~~(F) — The name and position of the resident school's instructional support that assists the student and monitors their progress throughout the duration of the course(s);~~

~~(G) — Clearly outlined process concerning where and how to send information requested by the instructor, mentor, and student; and,~~

~~(f) (iv) Any part-time virtual education provider and the district in which the student is enrolled shall agree on and clearly outlined a process concerning where and how to send for sharing information between the distance education program provider and resident district in regard to on the student's progress, participation, and any changes in enrollment through the course Milestones.~~

~~(g) (e) Appropriate Wyoming Department of Education data collection policies shall be used to document: (i) All student enrollments into a distance virtual education program; and (ii) Modifications to any distance education course titles, identification numbers, number of Milestones, or current number of Milestones completed as outlined in their Distance Learning Plan.~~

~~(h) (f) As outlined in Section 12-10 of these rules, a course and services agreement shall be entered into between any district which enrolls a student participating in one or more part-time virtual education courses offered by another district and the district that is the part-time virtual education provider or any student enrolled in a full-time virtual education program who participates in one or more part-time brick and mortar courses offered by another district signed Memorandum of Understanding (MOU) between the resident district and the distance education program provider shall be completed and on file at the resident district and with the distance education program provider.~~

~~(i) (g) The resident A 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 enroll or continue enrollment in a Department-approved distance virtual education program(s) provided that the student is able to comply with course-specific participation requirements and participate in all required state and district assessments in adherence with Department regulations, guidance, and instructions.~~

~~(h) — In accordance with W.S. § 21-13-330(h), a resident district may remove a student from its membership to participate full time in a distance education program offered by a nonresident school district. In this instance, the nonresident school district shall:~~

~~(i) — Formally document the transfer and request of student records by sending written notification to the student's resident district that the student has enrolled;~~

~~(ii) — Immediately notify the student's resident district in writing if the student withdraws from the nonresident school district's distance education program; and~~

~~(iii) — Assume all roles and responsibilities of the resident district outlined in these rules.~~

~~(j) In the event a student enrolled in a district elects to participate in more than one part-time virtual education programs, and through the combination of such programs receives more than fifty percent (50%) of the required statewide educational program as prescribed by~~

W.S. § 21-9-101 and W.S. § 21-9-103, the district in which the student is enrolled retains the responsibility for enrollment.

**Section 7-6. Additional 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.~~

(a) (b) The Department shall maintain, facilitate, and monitor a the state network of distance Wyoming virtual education program courses called the WSN that provides a consolidated guide of available distance education programming opportunities. Monitoring activities shall include:

(i) The review, at least annually, of virtual education program and course data and information collected;

(ii) The use of data and information on full-time virtual education students, with disaggregation of assessment data and other measures of academic performance, in the statewide systems of accountability and accreditation; and,

(iii) In consultation with the Professional Teaching Standards Board and school districts, the review, at least annually, of data on adherence to the minimum professional development requirements provided for in Section 7 by teachers utilizing virtual education methods to instruct students.

(b) The Department shall annually publish on its web site a virtual education program course catalog containing course-specific information including the per-course tuition established by the school district that has been approved to offer the course.

(c) The Department shall provide training and technical assistance to school districts, including professional development for teachers and school administrators as required under W.S. § 21-2-202(a)(xxx)(B), for the delivery, review, and research of distance-virtual education programming available on through the WSN-virtual education program.

(d) The Department shall provide training and technical assistance, which shall include current information and research regarding student and course accountability, and professional development for teachers and school administrators on distance-virtual 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-virtual education courses.

(f) The Department shall maintain a list of virtual education coordinators who shall assist with monitoring virtual education programs within the district and with the collection of data among districts, in addition to responsibilities that may be designated by the district. Every

district shall designate a virtual education coordinator as required by the Department.

~~(g) (f) The Department shall provide a template for the individual student Distance Learning Plan. The Department shall establish and periodically convene a virtual education advisory committee to make recommendations on revisions to this rule, provisions of other administrative rules that have an impact on virtual education, and relevant state statutes. The virtual education advisory committee shall also serve in an advisory capacity to school districts seeking to improve the delivery of virtual education courses. The committee shall be made up of not less than seven (7) members appointed by the state superintendent from a list of nominees compiled by the Department which shall include representatives from Wyoming school districts and other state agencies involved in the delivery of virtual education. Members shall serve a term of not more than four (4) years. Initial appointments shall provide for staggered terms. Vacancies shall be filled on a rolling basis as needed to maintain the minimum number of members and representation from across the state.~~

#### **Section 8. — Additional Resident District Responsibilities.**

~~(a) — The resident district shall monitor the participating student's progress, in collaboration with the distance education program provider, to ensure the student is progressing through the required course Milestones and in accordance with the terms of the student's Distance Learning Plan.~~

~~(b) — The resident district shall ensure each student participating in distance education programs 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 a DLP is maintained on a permanent basis for each student participating in distance education programs.~~

~~(d) — In collaboration with the distance education program provider, the resident district shall ensure that the needs of all students are met, including gifted and talented, at-risk students, and students with disabilities as outlined in Chapter 7 rules.~~

#### **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.~~

### **Section 7. Minimum Requirements for Virtual Education Teachers.**

(a) Any virtual education course provided by a school district established pursuant to the laws of this state shall have a designated instructor who shall be the virtual education teacher for the course and who must meet the requirements of W.S. § 21-7-303.

(b) Any district offering a virtual education program shall require any teacher assigned to teach an active virtual education course to complete, on an annual basis, at least one (1) workshop focused primarily on using virtual education methods to instruct students. Any workshop used to satisfy this minimum requirement shall be at least seven (7) hours or the equivalent. For any virtual education teacher subject to the requirements of 21-7-303(a), the workshop used to satisfy this requirement shall be approved by the Wyoming Professional Teaching Standards Board.

(c) The Department shall annually monitor district adherence to the minimum requirements for teacher professional development and shall obtain from the Professional Teaching Standards Board and the district, as necessary, information on teacher participation in required workshops.

### **Section 10-8. Use of a Learning Management System, Data Collection and Reporting.**

(a) Any district that is a virtual education provider shall use a learning management system (LMS) to administer, document, track, report, and deliver virtual education courses.

(b) Any district that is a virtual education provider shall have the option of utilizing a centralized learning management system established by the Department. A district may instead elect to establish an individual or independent learning management system provided such system is capable of being used, and is used with regard to each active virtual education course, to administer, document, track, report, and deliver virtual education courses. Any individual or independent learning management system must also be designed and operated such that appropriate personnel from the district in which any student participating in any virtual education course is enrolled are able to utilize the virtual education program provider's

learning management system to monitor student progress and participation and to collect participation data, as needed, for purposes of state-required reporting.

(c) ~~(a) The nonresident district~~ Any virtual education provider shall collect and report to the Department in a learning management system and maintain in the district's permanent student information system or other Department-approved reporting system:

(i) Student participation rates based on the course-specific participation requirements approved by the Department, including equivalent attendance;

(ii) ~~(i)~~ Course completion rates and information for each course offered on the WSN;

(iii) ~~(ii)~~ Internal survey results if available; and,

(iv) ~~(iii)~~ Reports required by the Distance Education Grant (DEG) outlined in Section ~~13-11~~ of these rules, 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-virtual~~ education course(s) in addressing student needs.

(d) A district electing to use a Department-approved reporting system in lieu of a permanent student information system for purposes of collecting the information described in paragraph (c) of this section, must ensure that its reporting system includes all elements needed to satisfy Department-required data collections and enables compliance with all Federal, State, and local requirements regarding data collection, student data privacy, and data security.

(e) Data collection is ultimately the responsibility of the virtual education provider and each virtual education teacher who is the instructor of an active virtual education course.

(i) A part-time virtual education provider shall enable the district in which any virtual education student is enrolled to access the provider's LMS and shall establish through a course and services agreement any data or information that the district-assigned learning coach is responsible for recording. A district-assigned learning coach may delegate data collection and reporting to another district employee as appropriate.

(ii) A full-time virtual education provider shall enable the family-designated learning coach of any student enrolled in an active virtual education course to access the provider's LMS for purposes of recording student participation in the course and monitoring student progress.

(f) ~~(b)~~ The Department shall:

(i) Monitor student ~~distance-virtual~~ education enrollment and participation information;

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

(iii) Annually survey the ~~distance-virtual~~ education program providers' administrators, instructors, and students concerning the quality and effectiveness of programming available through the ~~WSN-Wyoming virtual education program~~;

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

(v) Provide a summary of ~~distance-virtual~~ education course(s) available ~~on~~ through the ~~WSN-Wyoming virtual education program~~; and,

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

#### **Section 11-9. Funding-Average Daily Membership.**

(a) Each student participating in ~~distance-virtual~~ education, as defined in course-specific participation requirements approved by the Department, shall be included in ~~a the resident district's~~ Average Daily Membership of the district in which the student is enrolled 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-virtual~~ education programs approved by the Department and received by school districts that are accredited by the State Board.

(c) Average Daily Membership for virtual education courses shall be based on student meeting participation requirements rather than attendance, as described in Section 12.

#### **Section 12-10. Memorandum of Understanding (MOU) Course and Services Agreements and Additional Responsibilities of Districts.**

(a) ~~A signed MOU shall be:~~ Any two districts established pursuant to the laws of this state may enter into a course and services agreement to allow pupils enrolled in one district to receive a portion of the pupil's education from another district. Any such agreement may provide for a pupil's participation in one or more active virtual education courses, one or more traditional (non-virtual) courses, or any combination of virtual and non-virtual courses so long as more than fifty percent (50%) of the required educational program is provided by the district in which the student is enrolled.



~~(i) — Used as the formal agreement between the resident district and distance education program provider;~~

~~(ii) — Initiated by the distance education program provider;~~

~~(b) (iii) Any such agreement shall be Designed in effect for a period of not to exceed more than twelve (12) consecutive months and have a start and end date that generally correspond to the school calendar; and, shall include the following, as applicable:~~

~~(iv) On file at the resident district.~~

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

~~(i) The identification of the resident and distance education program provider each district's point-of-contact to include first and last name, position/title, and contact information;~~

~~(ii) For each course, the cost to be paid, Payment information to include how the amount is determined, due date(s), and method of payment on a per-course basis and in an amount equal to or less than the ADM amount of the district providing the course prorated to reflect the number of courses provided;~~

~~(iii) Information on how the tuition amount is calculated, the method of payment to be utilized, and payment due date(s);~~

~~(iv) ~~(iii) Apportion the responsibility~~ The responsibilities of each district for ensuring that each student has access to the appropriate electronic equipment, connectivity, and resources needed to participate in the distance any virtual education course(s);~~

~~(v) A description of the process that will be used to ensure that the district in which the student is enrolled has access to the appropriate records and resources needed to monitor a student's participation, including participation in any virtual education course(s), as well as access to the provider's LMS for purposes of data reporting;~~

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

~~(A) The access of resources at the ~~resident~~ district in which the student is enrolled;~~

~~(B) Required tutoring and/or mentoring services;~~

~~(C) Testing and assessment services to include a timeline or schedule appropriate to the instruction provided to the student(s);~~

~~(D) Academic counseling services;~~

~~(E) Library services;~~

(F) Extra-curricular activities; and,

(G) Special needs requirements.

~~(vii) (v) If the resident district does not have qualified distance education site coordinators, the MOU shall include:~~ If the agreement is for one or more virtual education courses and the district in which the student is enrolled does not have a qualified virtual education site coordinator, the course and services agreement shall include:

(A) A description of 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) (vi) If the agreement is for one or more virtual education courses, A~~ a description of any training required of the student(s), how this training will be provided, and when it should be completed;

~~(ix) (vii) A statement ensuring that all records of the student(s) will be provided by the resident district~~ in which the student is enrolled including any records of special education;

~~(x) (viii) A conflict resolution policy; and,~~

~~(xi) (ix) The signatures of each the distance education program provider and resident district's superintendent or designee, in accordance with district policies.~~

(c) Any agreement shall be made in writing and a copy kept on file by both districts for a period of not less than five (5) years.

(d) The district in which the student is enrolled, in collaboration with the virtual education program provider(s), shall regularly monitor the progress of any virtual education course participant to ensure the student is actively engaged and completing the required course participation elements and to ensure that the needs of all virtual education students, including those identified as gifted and talented, at-risk, or students with disabilities, are met.

(e) The district in which the student is enrolled shall ensure that any student participating in a virtual education program is evaluated, tested, and monitored at the same intervals as other students in the grade in which the student is assigned and in accordance with the assessment policies of the state and district.

(f) Any district that is a full- or part-time virtual education provider shall ensure that any teacher instructing a virtual education course offered by the district meets the minimum requirements for virtual education teachers provided for in Section 7 of this rule.

### **Section 13-11. The Distance Education Grant (DEG) Program.**

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

~~(a)~~ ~~(b)~~ The DEG Program shall be available to Wyoming school districts, Wyoming community colleges, and the University of Wyoming, except that Wyoming community colleges and the University of Wyoming shall only be eligible to receive DEG program funds for courses that are or will be developed for and targeted to secondary students enrolled in a Wyoming school district through dual or concurrent enrollment.

~~(b)~~ 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 ~~distance-virtual~~ education program 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 ~~distance-virtual~~ education program 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, concurrent 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 if funds appropriated to the Department of Education permits.

~~(d)~~ The priority of the DEG Program shall be available for the development and maintenance of ~~distance-virtual~~ 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, concurrent 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 ~~publicly~~ publicly accessible rubrics. The evaluation

of the grants shall be based in part 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-virtual~~ 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-virtual~~ 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-virtual~~ education course(s) receiving grant assistance;
- (iii) The number of students that successfully completed the ~~distance-virtual~~ education program;
- (iv) The impact of the grant assistance in compliance with W.S. § 21-13-330; and
- (v) An evaluation of the ~~distance-virtual~~ education course(s) in addressing student needs.

**Section 14-12. Attendance Participation.**

(a) In accordance with Section 10 of the Department's Chapter 8 Rules and Regulations for the School Foundation Program, Each virtual education course approved by the Department shall have clearly defined requirements for the participation of any student enrolled in the course.

(b) Course participation requirements shall establish expectations for student interaction with the virtual education course. They shall also be measurable, recorded, and verified by the virtual education teacher. Participation requirements shall be used by the districts and the Department for funding and accountability purposes. 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.

(c) Any district that is a virtual education provider shall be responsible for documenting and recording in the learning management system used by the district, not less than once every five (5) program days, the participation of any student enrolled in the course.

(d) For each course, the number of days any student is reported as having

participated shall be based on the course-specific virtual education program calendar submitted to the Department.

(e) At the end of each school year, for purposes of determining membership, the number of days on which a student was enrolled and participating in virtual education shall be the number of days in membership and must be converted to the number of days in the school calendar. The number of days in membership shall be divided by the number of regularly scheduled courses in the school in which the student is enrolled. The sum shall be the aggregate membership (e.g., if a student has one-hundred and seventy-five (175) days of virtual course participation and the school in which the student is enrolled offers eight (8) regularly-scheduled courses, the student's aggregate membership for the course would be 21.875).

(f) A district's documentation and recording of student participation in any virtual education course offered by the district shall be compiled in a participation report generated by a learning management system to include automatically recorded and virtual education teacher recorded elements. The participation report shall be generated at the administrative level and stored for future audit and monitoring purposes.

### **Section 15-13. Assessment and Adequate Yearly Progress (AYP) Accountability.**

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

(b) Each student participating in a ~~distance~~-virtual education course(s) shall be subject to the Wyoming statewide assessments as required by ~~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 district assessment results, and ~~adequate yearly progress (AYP)~~-accountability as required by W.S. § 21-2-204 shall be the responsibility of the ~~resident~~ district in which the student is enrolled.

(d) In the event a student enrolled in a district elects to participate in more than one part-time virtual education programs, and through the combination of such programs receives more than fifty percent (50%) of the required statewide educational program as prescribed by W.S. § 21-9-101 and W.S. § 21-9-103, the district in which the student is enrolled retains the responsibility for administering all required assessments. However, since no virtual education program provider is providing the student with a full-time virtual education program, student performance on assessments is not required to be disaggregated and reported as part of a virtual education subgroup.