



# 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 Repealed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 Repealed
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 Repealed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 Repealed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 Repealed
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 Repealed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: **N/A - Not yet available**
- 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:

During the 2017 General Session, SEA0057 modified several aspects of virtual education provided by public K-12 schools, including changes to the ADM calculation for virtual education. These legislative changes impact both Chapters 41 and Chapter 8 and create a valid emergency in that districts could potentially lose funding if emergency rules are not promulgated by the start of the 2017-2018 school year. The emergency revisions are limited to areas pertaining to funding and district responsibilities allowing school district personnel to start tracking student participation in virtual education in the upcoming school year, consistent with the new ADM calculation.

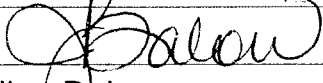
In addition, SEA0125 modified the manner in which districts calculate part-time membership in Chapter 8. Districts are no longer able to count students in membership for a major fraction of a day. The remaining changes in Chapter 8 are limited to those instances related to calculating part-time membership.

### **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	7-7-17

### **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	

**WYOMING DEPARTMENT OF EDUCATION**

Jillian Balow, Superintendent of Public Instruction  
Hathaway Building, 2nd Floor, 2300 Capitol Avenue  
Cheyenne WY 82002-0050

**WYOMING**  
DEPARTMENT OF EDUCATION



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**TO:** Honorable Matt Mead, Governor  
State of Wyoming

**FROM:** Dianne Bailey, Chief Operations Officer  
Brent Bacon, Chief Academic Officer

**SUBJECT:** *Emergency Rules:* Chapter 41, Virtual Education and  
Chapter 8, School Foundation Program

**DATE:** July 10, 2017

**PRIORITY:** **HIGH**

**SUMMARY:** The Wyoming Department of Education is proposing emergency rules for the Virtual Education and School Foundation Programs in response to new legislation. The specific rationale for the emergency rules is described in the attached Statement of Reasons.

**AGENCY CONTACT NAME:** Chapter 8: Kimberly Morrow  
Chapter 41: Lori Thilmany

**AGENCY CONTACT PHONE:** Chapter 8: 307-777-6000  
Chapter 41: 307-777-7418

**AGENCY CONTACT EMAIL:** Chapter 8: kimberly.morrow@wyo.gov  
Chapter 41: lori.thilmany@wyo.gov

**Governor's Response Options (to be completed by Governor's Office):**

\_\_\_\_\_ Agency may proceed

\_\_\_\_\_ Delay public comment and set up meeting with

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Signature: Governor's Counsel

Date

## **Chapters 8 and Chapter 41**

### **School Foundation Program and Virtual Education**

#### **STATEMENT OF REASONS**

##### **Emergency rules are in effect no longer than 120 days after filing with the Registrar of**

##### **Rules.**

During the 2017 General Session, SEA0057 modified several aspects of virtual education provided by public K-12 schools. 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(s) 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, necessitate emergency Chapter 41 Virtual Education and Chapter 8 School Foundation Program rules revisions.

The conflict between the current Chapter 41 and Chapter 8 rules and the SEA0057 requirements creates a valid emergency in that districts could potentially lose funding if emergency rules are not promulgated by the start of the 2017-2018 school year. The emergency revisions are limited to areas pertaining to funding and district responsibilities allowing school district personnel to start tracking student participation in virtual education in the upcoming school year, consistent with the new ADM calculation. Statutory language, specifically milestones, and responsibilities related to the previous method for calculating distance education ADM were removed and replaced by new requirements effective July 1, 2017. The Chapter 41 revisions include removal and replacement of the distance learning plan with the requirements for districts to track student progress through a learning management system per the new statute.

In addition, SEA0125 modified the manner in which districts calculate part-time membership in Chapter 8. Districts are no longer able to count students in membership for a major fraction of a day. The remaining changes in Chapter 8 are limited to those instances related to calculating part-time membership. The distance learning plan requirements were removed from both chapters have also been modified to remove all references to “distance education” and replace them with “virtual education”, including within the chapter title, and the obsolete Wyoming Equality Network and WEN video items were removed from Chapter 41 to prevent confusion.

The WDE is currently working on the regular rules revisions and anticipate that they will be ready for public comment in the fall of 2017. Chapter 8 and Chapter 41 regular rules will be promulgated while the emergency rules are in place.

## Chapter 8

### School Foundation Program

**Emergency rules are in effect no longer than 120 days after filing with the Registrar of**

#### **Rules.**

**Section 1. Authority.** These rules are promulgated pursuant to the Wyoming Education Code of 1969, as amended (W.S. 21-2-202; W.S. 21-2-203; W.S. 21-3-117(a); W.S. 21-3-314; W.S. 21-13-101 through W.S. 21-13-335).

**Section 2. Applicability.** These rules pertain to criteria and standards for the School Foundation Program for Wyoming Public Schools. These rules become effective when signed by the Governor and filed with the Secretary of State.

**Section 3. Promulgation, Amendments or Repeal of Rules.** Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. 16-3-101 through 16-3-115).

#### **Section 4. Definitions.**

(a) The definitions in W.S. 21-13-101(a), 21-13-321(a), 21-13-330(f), and W.S. 21-15-109(a) apply to these rules.

(b) **Acquired.** Means “gained possession”. Examples of acquire include, but are not limited to, lease agreement, purchase, or gift.

(c) **Actual Site Acreage.** The site acreage amount that appears on the actual land’s title or deed, if possible. In the case the acreage amount doesn’t appear on land’s title or deed, the amount reported by the School Facilities Commission.

(d) **Case Manager.** For purposes of applying the requirements in Section 15(e)(iii) of these rules and regulations, an individual working under a personal-services contract with a school district or Board of Cooperative Educational Services to provide general supervision of special education programs and services provided to children with disabilities.

(e) **Co-located School.** Two (2) or more schools, each with its own unique identifier, that exist within the same educational building.

(f) **Combined school.** Two (2) or more existing schools in a district which are joined together to form a single school as a result of one or more schools closing within a district.

(g) **Data Correction.** Corrections necessary to ensure model operation and current school year district payments are using the correct data supplied by school districts, other state

agencies, and outside Department consultants to properly compute school foundation program payments to school districts as required by law.

(h) Days of Operation. Each school shall be in operation for at least 185 days unless an alternative schedule has been approved by the State Board, and shall conduct classes with a majority of teachers and students present for at least 175 days. Days used exclusively for registration, report card distribution, teacher/parent conferences, in-service programs, and similar activities shall only be counted as days of operation beyond the 175-day pupil-teacher contact minimum.

(i) Department. Wyoming Department of Education.

(j) English Language Learner (ELL) Student. For purposes of calculating the funding model at-risk count, any student on October 1 who has been identified as an ELL or former ELL in Year 1 or Year 2 Monitor Status in compliance with required identification criteria presented in a format specified by the Department.

(k) Facility. A standalone or combination of a school building, office building, portable building, or warehouse building which is owned by the district and supports the delivery of the educational basket of goods or the educational programs necessary to meet State accreditation standards and federal laws.

(l) Format Change. Any change to the funding model that results in a different appearance or layout and maintains the integrity and functionality of the model.

(m) Foundation Program Report. The accumulation and aggregation of student attendance and membership statistics, school district financial data, reimbursement claims, estimates, and other representations including, but not limited to, the following reports: the Annual District Report, the WISE Attendance & Membership Report, the Foundation Program Funding Worksheet, the Annual Special Education Expenditure Report, the Annual Student Transportation Expenditure Report, the Vocational Education Student FTE Worksheet, Vocational Education Teacher FTE Worksheet, and the Annual District Budget.

(n) Foundation Program Review. The examination, analysis, testing, and verification of a school district's Foundation Program Report and system of student accounting by the Department or its representative (whether on-site at the school district or in the form of a desk review at the offices of the Department) to confirm, verify, validate, and, if necessary, correct the student attendance and membership statistics, school district financial data, reimbursement claims, estimates, and other representations appearing in the district's Foundation Program Report.

(o) Free and Reduced Lunch (FRL) Student. For purposes of calculating the funding model at-risk count, an FRL student is: Any student reported as primarily enrolled by a district on October 1 who is approved to participate in the free and reduced priced lunch program under the national school lunch program established by 42 U.S.C. 1751 et seq.

(p) Funding Model. The spreadsheet adopted by the Wyoming State Legislature in Attachment “B” of 2006 Wyoming Session Laws Chapter 37 as modified by the Wyoming Legislature and the Department with technical and data corrections.

(q) Hospitalized or Homebound Students. Students who do not physically attend regular school sessions for more than one (1) week and receive instruction through a homebound program provided in accordance with W.S. 21-4-402.

(r) Membership. For purposes of counting and reporting Average Daily Membership (ADM), the district shall include an enrolled student in a school’s student accounting records whether the student is in attendance or absent on that day.

(s) Mobile Student. For purposes of calculating the funding model at-risk count, a mobile student is: Any student reported as primarily enrolled in any grade six (6) through twelve (12) by a district on the annual WDE spring accountability snapshot date where the student’s school entry date falls after October 1 of the same school year.

(t) New School. A school that is assigned a unique identification number from the Department for reporting purposes, which starts a new Adequate Yearly Progress cycle, and is funded as a first year school in the Wyoming funding model.

(u) Part-time Student. A student that is enrolled in fewer daily hours or periods than normally scheduled in the school they are enrolled.

(v) Reconfigured School. A school in which grades served has been changed from the previous school year with Department approval.

(w) Replacement School. A school in which a new building has been constructed for an existing school and grade configuration.

(x) School Day. For purposes of counting and reporting ADM, the starting time of a pupil-teacher contact day to the ending time of a pupil-teacher contact day as established by school district board of trustee policy. However, the total number of hours for all school days, when accumulated over the 175-day pupil-teacher contact period required by W.S. 21-4-301 or the number of days required under an alternative schedule approved by the State Board, shall not be less than the minimum applicable number of hours established by the State Board in Chapter 22 of its rules and regulations.

(y) Site. A parcel of land that has been acquired by a district, that has one (1) or more facilities located on it, and is identified by the Wyoming School Facilities Commission by a site identification number.

(z) State Board. Wyoming State Board of Education.

(aa) Student Accounting. The process of enrolling students, taking attendance, appropriately withdrawing students and removing them from student accounting records, and maintaining accurate and verifiable computer-based or written records for the purpose of uniform and timely reporting of student attendance and membership statistics at each school district's school.

(bb) Technical Correction. A correction necessary to ensure model operation and current school year district payments are in accordance with law and the model is properly computing school foundation program payments to school districts as required by law.

**Section 5. Basis of Accounting.** With the exception of those accounting operations necessary to properly compute a school district's operating balance and cash reserves under W.S. 21-13-313(e) and Section 16 of these rules and regulations, all school districts shall, for purposes of preparing the individual reports within the Foundation Program Report, utilize the cash basis of accounting. Any exceptions shall have prior approval of the Department.

**Section 6. Responsibility of School Districts.**

(a) Districts shall ensure their full compliance with the law or rules regarding timeliness, format, completeness and accuracy on all reports submitted to the Department.

(b) All foundation program reports required to be submitted to the Department by school districts by statute or rule and regulation shall include a statement by the district superintendent certifying that the information submitted is complete, accurate and in conformance with the reporting requirements.

(c) All foundation program reports shall be submitted by the district superintendent to the Department on or before the statutory date or a date determined by the Department. If a district superintendent fails to provide data or financial reports by the statutory date or a date determined by the Department, the district superintendent shall include an explanation as to the tardiness of the report.

(d) If a district superintendent submits, without good cause, a foundation program report that is tardy, incomplete, inaccurate or in an incorrect format, the State Superintendent of Public Instruction, through Department staff, shall advise the district's board of trustees of the non-compliance with reporting requirements and require the district's board to submit a plan to correct the non-compliance and prevent future instances of non-compliance. The plan shall be submitted to the Department by the district within thirty (30) days of receipt of the request from the Department and shall include the specific steps the district is taking to correct the non-compliance and prevent its reoccurrence.

**Section 7. Reporting a School's Status to the Department.**

(a) School districts shall give written notification to the Department within two (2) weeks upon the occurrence of any one of the following events:



- (i) A new school opens and students are attending classes;
- (ii) A school closes and students are no longer attending classes (this does not apply to replacement schools); or
- (iii) Emergency conditions such as weather, utility failure, or safety conditions require the temporary closure of one or more schools for a half school day or more.

#### **Section 8. School Reconfiguration Process for Purposes of Funding.**

(a) A school district shall file an application with the Department requesting approval from the State Superintendent of Public Instruction to change a school's grade configuration for the next school year.

(b) Applications to modify a school's grade configuration for the upcoming school year shall be received by the Department no later than June 15 of each year.

(c) The application shall provide documentation verifying compliance with the district's facility plan on file with the School Facilities Commission (SFC) and with the criteria outlined in W.S. 21-13-309(m)(iv)(C), including:

- (i) Appropriate delivery of the required educational program;
  - (ii) Cost effectiveness of the modified grade configuration for the delivery of adequate educational services to students; and
  - (iii) Any extra ordinary circumstances related to the safe and efficient delivery of the educational program to students.
- (d) The above criteria will be reviewed by the Department on an individual district basis and a decision will be rendered to the district no later than sixty (60) days following receipt of the request. A determination will be made on a case-by-case basis. In some instances, a reconfigured school or combined school may result in a new school. If a replacement school is built, the school shall not be considered a new school.

**Section 9. Minimum Attendance Taking Requirements.** All Wyoming public schools shall take and record attendance to verify and to ensure accurate attendance and membership calculations.

(a) In elementary schools, attendance shall be taken a minimum of two (2) times during the school day; once in the morning and once in the afternoon.

(b) In middle schools, junior high schools, and high schools, attendance shall be taken each class period.

(c) Virtual education attendance shall be measured for each virtual course by approved participation requirements as defined by Chapter 41 Virtual Education.

#### **Section 10. Mathematical Calculation of Average Daily Membership (ADM).**

(a) Each school shall meet both the 175-day pupil-teacher contact requirement (or, if less, the number of days required by an alternative schedule approved by the State Board) and the minimum applicable number of hours established by the State Board in Chapter 22 of its rules and regulations.

(b) The mathematical calculations on the WISE Attendance & Membership Report for purposes of computing the ADM for each school district, is derived by dividing the school's aggregate membership, including hospitalized or homebound students, for the period of time under aggregation by the actual number of days over which the aggregation occurred. The resulting calculation shall not exceed one (1) ADM. Student data used to report membership statistics shall be provided by each school's student information system. ADM calculations shall be carried out and rounded off to three (3) decimal places for the WISE Attendance & Membership Report and the Foundation Program Funding Worksheet.

(c) All Wyoming schools shall not include in their membership those students for whom the school district is no longer actively or prospectively providing appropriate instructional services. Examples include, but are not limited to, situations relative to students who:

- (i) Withdraw from school;
- (ii) Are absent more than ten (10) consecutive school calendar days;
- (iii) Are full-time virtual education students not meeting participation requirements for more than ten (10) consecutive program days as defined by Chapter 41 Virtual Education;
- (iv) Do not attend a school in a Wyoming school district;
- (v) Transfer from one school to another within a district (the sending school shall cease to include the transferred student in its membership); or
- (vi) Move out of the area, or are otherwise no longer receiving appropriate district instructional services.

(d) A school district that receives a student from another school district shall immediately include that student in its membership. The school district that sends a student to another school district shall immediately cease including that student in its membership. No student shall be included in two schools' memberships at the same time, whether those schools are in the same district or in different districts.

(e) No reduction in aggregate membership shall occur when a student completes a virtual education course before the end of the term if the participation requirements have been completed. A weighted day calculation shall be used for the time the student was enrolled in the course. The weighting shall be calculated using the number of scheduled term days divided by the actual days it took the student to complete the course (e.g., a course term is 88 days and a student completed the course in 50 days. The 88 term days are divided by the 50 course days to equal a 1.76 weighted day equivalent for each of the 50 days in the course. The 50 days the student took to complete the course is multiplied by the weighted figure of 1.76 resulting in 88 course days). For each course, the number of days completed shall be divided by the regularly scheduled number of courses in the school to compute the aggregate membership (e.g., if a student completed 88 course days and the school offered 8 courses per day, the student's aggregate membership for the course would be 11.000).

(f) Virtual education student membership shall be prorated at less than full-time equivalent if the number of virtual education courses in which the student is enrolled are less than the regularly scheduled courses for that school, but the virtual education membership may be combined with any non-virtual education membership on a daily basis to result in a larger fractional membership for the day not to exceed one (1).

(g) Students in membership less than eighty percent (80%) of the school day shall be counted equal to their part-time membership using one (1) of the following methods and apply that one (1) method to all part-time students in a school:

(i) Calculate the ratio of periods in membership to the total periods normally offered at that school (e.g., a student in membership two (2) periods a day in a school that offers seven (7) periods per day would generate a  $\frac{2}{7}$  aggregate membership, or 0.286 ADM for the number of days over which the aggregation occurred); or

(ii) Calculate the ratio of hours (or minutes) in membership to the total hours normally offered at that school (e.g., a student in membership two and one-half (2.5) hours a day in a school that offers eight (8) hours per day would be  $\frac{2.5}{8}$  hours (or  $\frac{150}{480}$  minutes) aggregate membership, or 0.320 ADM for the number of days over which the aggregation occurred).

(h) When school is dismissed for emergencies prior to the end of the school day, membership inclusion shall be allowed according to the following guidelines:

(i) Students in membership for a major fraction of a half school day (greater than 25 percent) shall be counted as one-half day in membership.

(ii) Students in membership for a major fraction of a school day (greater than 50 percent) shall be counted as one whole day in membership.

(iii) Kindergarten students in half-day sessions in membership a major fraction of their session or the equivalent amount of time shall be counted as if the entire session had been completed.

(i) Prior school year ADM shall be adjusted in the funding model in the following instances:

(i) A new school opens,

(ii) A district changes boundaries,

(iii) A school's grades served are reconfigured, or

(iv) A district moves specific programs from one school to another school, as well as the students in those programs.

(A) The district shall submit a list of schools and the number of students, by grade, which transferred to another school within the district due to one of the instances in subsection (h).

(B) The Department shall subtract the number of students that transferred to another school within the district from the two years of ADM they were already included.

(C) This provision does not apply to:

(I) Co-located schools that combine to create a single school and the combination of the schools does not cause a transfer of students to other schools within the district and the grades served are not adjusted (e.g., a co-located K-5 school and 6-8 school reconfigure to a single K-8 school. The K-8 school serves the same students as if it was the co-located K-5 and 6-8 schools. The prior years' K-5 school and 6-8 school ADM will be transferred to the combined school.) , or

(II) Two or more schools that combine to create a single school and the combination of the schools does not cause a transfer of students to other schools within the district and the grades served are not adjusted (e.g., a separate K-5 school, 6-8 school, and 9-12 school, combine to create a single K-12 school. The single K-12 school serves the same students as if the separate schools still existed. The prior years' K-5 school, 6-8 school, and 9-12 school ADM will be transferred to the combined school.)

## **Section 11. Corrections to the Funding Model.**

(a) The Department shall make any necessary changes to the funding model according to the following processes:

(i) Technical corrections shall be implemented in the following manner:

(A) Evaluate suggested correction in consultation with school finance advisers and state agencies as necessary. If suggested correction is deemed necessary, then proceed with the following steps:

(I) Notify Department staff, Legislative Service Office, and outside school finance consultants;

(II) Document the correction on a Department technical correction form;

(III) Send corrected education resource block grant model to outside school finance consultants for review;

(IV) Request letter from outside school finance consultants certifying that the technical corrections made by the Department are in compliance with Wyoming law;

(V) Inform the School Finance Data Advisory Committee of the correction;

(VI) Notify all school districts in a memo format; and

(VII) Forward revised education resource block grant model to Secretary of State's office along with certification letter.

(ii) Data Corrections shall be implemented in the following manner:

(A) Evaluate suggested correction in consultation with Department staff. If suggested correction is deemed necessary, then proceed with the following steps:

(I) Notify Department staff, Legislative Service Office, and school finance advisers;

(II) Document the correction on a Department data correction form; and

(III) If data correction is made after the WDE-100 is released or while the statewide payment model is being created, notify district(s) affected.

(ii) Format changes shall be implemented in the following manner:

(A) Notify Department staff;

(B) Document the change on a Department format change form; and

(C) Print off a before and after worksheet to illustrate change(s) and attach to format change form.

## **Section 12. Funding Model Operations and Maintenance.**

(a) The Department shall annually update necessary operations and maintenance data components in the funding model with the following data supplied by the Wyoming School Facilities Commission (SFC):

(i) District sites and their associated site identification number, actual site acreage, and acquired date.

(ii) District school building information, including:

(A) Actual gross square footage;

(B) Actual educational gross square footage;

(C) SFC allowable gross square footage;

(D) The year built; and

(E) The number of classrooms.

(b) The funding model generates groundskeeper FTE resources for district sites acquired after July 1, 1997, based on the following:

(i) The site acreage that groundskeepers will be resourced upon shall be the lesser of the actual site acreage or the following SFC guidelines:

(A) Elementary school sites will be allowed a maximum acreage amount of four (4) acres, plus one (1) acre for every one-hundred (100) ADM.

(B) Middle school sites will be allowed a maximum acreage amount of ten (10) acres, plus one (1) acre for every one-hundred (100) ADM.

(C) High school sites will be allowed a maximum acreage amount of twenty (20) acres, plus one (1) acre for every one-hundred (100) ADM.

(ii) If a site contains more than one (1) school, the site will be allowed a maximum acreage amount equal to the highest level of the opened schools on the site, but count all the schools' ADM (e.g., if a site has a middle school and a high school on the same site, the site will be allowed twenty (20) acres, plus one (1) acre for every one-hundred (100) combined middle school and high school ADM). The site shall be resourced upon the lesser of the allowed acreage amount or actual site acreage.

(iii) If a site was acquired through an exchange of land with another government entity and the acreages involved in the exchange were originally acquired by the district and the government entity on or before July 1, 1997, the site will generate groundskeepers for the actual site acreage. The district shall provide the following documentation to the Department:

(A) The dates the district and the government originally acquired the acreages involved in the exchange; and

(B) The completed contract between the district and the government entity to acquire the acreages that identifies the date the exchange occurred.

(iv) Any other district site acquired after July 1, 1997, with a facility other than an elementary school, middle/junior high school, or high school located on it, will be resourced groundskeepers for the site's actual site acreage.

(v) If a district has a parcel of land with a school under construction or without a facility located on it, the funding model will not generate groundskeeper FTE resources for the acreage.

(c) The funding model will generate groundskeeper FTE resources for all district sites acquired on or before July 1, 1997 and shall use the actual site acreage in the calculation that generates groundkeeper FTE resources.

(d) If a district's site acquisition date is different than when the district obtained the title or deed to the site, the district shall provide documentation identifying the exact date when the district acquired the site.

**Section 13. Reimbursable Expenditures.** In general, School Foundation Program reimbursement for school district expenditures incurred in a prior year shall be limited to those incremental costs relative to particular areas specified by law and for which funding is not already directly provided in the education resource block grant model. No reimbursement shall be provided for costs previously or simultaneously recovered elsewhere in the Wyoming school finance system.

#### **Section 14. Student Transportation Reimbursement.**

(a) Chapter 20, Rules for Cost-Based Block Grant Model Transportation Component, of the Department rules is hereby incorporated into these rules as applicable. In addition, the following applies to student transportation reimbursement under W.S. 21-13-320:

(b) Pro rata reimbursement for personnel not devoting one-hundred percent (100%) of their time to student transportation issues and operations shall be supported by clear and continuous documentation.

(c) Personnel dealing with pupil transportation issues and operations full-time shall be subject to one-hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the district superintendent, or district superintendent designee, attesting to such full-time involvement, is on file at the district office. Such affidavits shall be renewed annually and shall clearly reference the school year for which reimbursement is claimed.

(d) Reimbursement for bus and loading-zone aides shall be limited to those individuals otherwise qualified under Sections 14(a) or 14(b) above.

(e) No reimbursement for student transportation facility major maintenance shall be allowed under this Section.

### **Section 15. Special Education Reimbursement.**

(a) Chapter 7, Special Education Rules Governing Services for Children with Disabilities, of the Department rules is hereby incorporated into these rules only as applicable. Chapter 7 rules remain in force and continue to apply to all areas of Special Education not specifically addressed in Chapter 8. In addition, the following applies to special education reimbursement under W.S. 21-13-321:

(b) Reimbursement for expenditures incurred to provide special education programs and services to children with disabilities shall not duplicate any other reimbursement or revenue source used to offset district special education costs. For example, any amount received by a district from the special school district tax levied under W.S. 21-20-109 for Boards of Cooperative Educational Services (BOCES) providing services to children with disabilities, but not passed through to the BOCES for which the tax was levied, shall be considered by the Department to be a state revenue under W.S. 21-13-310(a).

(c) Special education reimbursement shall be limited to those actual costs required to provide special education programs and services to children with disabilities. Imputed and/or indirect costs, such as those for utilities and other overhead, shall not be claimed.

(d) Salaries and employee benefits for personal services paid to certified and/or licensed teachers, substitute teachers, and other certified and/or licensed personnel, or to paraprofessionals and classified employees, are subject to the following requirements:

(i) Personnel providing full-time special education programs and services to children with disabilities shall be subject to one-hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the district superintendent, or district superintendent designee, attesting to such full-time involvement, is on file at the district office. Such affidavits shall be renewed annually and shall clearly reference the school year for which reimbursement is claimed.



(ii) Pro rata reimbursement for personnel not devoting one-hundred percent (100%) of their time providing special education programs and services to children with disabilities shall be supported by clear and continuous documentation.

(iii) Reimbursement for personnel costs of teachers providing special education programs and services to children with disabilities shall be limited to those individuals having appropriate special education certification. Substitute teachers need not be certified as special education instructors.

(iv) Reimbursement for personnel costs of aides and other paraprofessionals shall be based on the amount of time devoted to special education and/or related services, working under the supervision of certified special education personnel.

(e) Instructional materials, supplies and equipment, and other items will be reimbursed in the amount necessary to provide beneficial services for children with disabilities, as determined by their IEP team. Reimbursement would also include those items necessary to evaluate a child to determine the need for special education services as well as those day-to-day supplies, materials, and equipment utilized by special education staff and programs. However, supplies, equipment, and materials generally available to all students shall not be reimbursed under this section.

(f) Contracts for special education services shall be executed on Department approved forms, and the following requirements shall apply to such contracts:

(i) Charges for contracted special education programs and services related to individual children shall be supported by an itemized billing statement showing each child served during each billing period. Reimbursement shall not exceed actual costs for services.

(ii) With the exception of those payments to BOCES or other Wyoming school districts that have been pre-approved by local boards of trustees, payment for services shall be made only after the services have been provided.

(iii) School districts offering special education programs and services through a case-management arrangement utilizing individuals other than district staff shall develop a personal-services contract setting out and describing those case-management services provided by the case manager.

(iv) Each contract for out-of-district or out-of-state placement shall be written for only one child.

(v) Contracted services shall only be provided by appropriately certified, licensed, or registered providers.

(vi) All providers shall adhere to all Department and State Board rules and regulations.

(vii) All contracts for services shall be subject to review by the Department.

(g) Each local district shall develop, implement, and enforce a reasonable policy setting forth the conditions, limitations, and allowable frequency of travel by parents to visit their child with disabilities when the child has been placed in a specialized setting away from their home in accordance with the child's IEP.

#### **Section 16. Cash Reserves.**

(a) A school district's "operating balance and cash reserves," as that term is used in W.S. 21-13-313(e), includes all district general fund financial resources computed in accordance with Generally Accepted Accounting Principles as of the end of the fiscal year which are not legally obligated or otherwise restricted by law or regulation for expenditure on specific educational programs or facilities. Thus, a school district's Committed, Assigned and Unassigned end-of-year general-fund fund balance as reported in the district's audited financial statements will normally be considered to be its operating balance and cash reserves for that year.

(b) A school district shall not transfer funds or accumulated reserves from its general fund to another fund for purposes of avoiding inclusion of such amounts as state revenues under W.S. 21-13-310(a). Any amount so transferred shall be considered by the Department to be state revenue under W.S. 21-13-310(a).

(c) District's revenues received from settlements of prior protested twenty-five (25) and six (6) mill tax payments may be excluded from the cash reserve calculation for the fiscal year in which the payments were received per W.S. 21-13-313(e).

(d) A district wishing to exclude a tax settlement from the cash reserves calculations shall submit a letter to the Director of Finance requesting exclusion, thirty (30) days after the end of the previous fiscal year in which the protest payment was received.

(e) The letter shall include a certification from the county treasurer on the amount of the tax settlement receipt.

**Section 17. At-Risk Data Used for the Funding Model.** The data constituting a district's at-risk count shall be the unduplicated count of ELL students, FRL students and mobile students.

**Section 18. Internal Consistency of Reports and Mathematical Integrity.** The individual reports making up the Foundation Program Report shall be operationally and mathematically consistent. The Annual District Report shall serve as the hub and master repository of district financial data. As such, the other reports making up the Foundation Program Report shall, where applicable, achieve reconciliation with the Annual District Report. Each school district superintendent shall review the individual reports making up the Foundation Program Report for his or her district as appropriate and necessary before they are forwarded to the Department and, based upon his or her review, certify that, to the best of his or her

knowledge and belief, the Foundation Program Report and its subparts are complete, accurate, and in conformity with all reporting requirements.

**Section 19. Retention of Foundation Program Reports.** The foundation program reports for each district, along with all supporting data, shall be maintained in accordance with the retention schedule for school districts on file with the Wyoming State Archives office.

## Chapter 8

### School Foundation Program

**Emergency rules are in effect no longer than 120 days after filing with the Registrar of**

#### **Rules.**

**Section 1. Authority.** These rules are promulgated pursuant to the Wyoming Education Code of 1969, as amended (W.S. 21-2-202; W.S. 21-2-203; W.S. 21-3-117(a); W.S. 21-3-314; W.S. 21-13-101 through W.S. 21-13-335).

**Section 2. Applicability.** These rules pertain to criteria and standards for the School Foundation Program for Wyoming Public Schools. These rules become effective when signed by the Governor and filed with the Secretary of State.

**Section 3. Promulgation, Amendments or Repeal of Rules.** Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. 16-3-101 through 16-3-115).

#### **Section 4. Definitions.**

(a) The definitions in W.S. 21-13-101(a), 21-13-321(a), 21-13-330(f), and W.S. 21-15-109(a) apply to these rules.

(b) **Acquired.** Means “gained possession”. Examples of acquire include, but are not limited to, lease agreement, purchase, or gift.

(c) **Actual Site Acreage.** The site acreage amount that appears on the actual land’s title or deed, if possible. In the case the acreage amount doesn’t appear on land’s title or deed, the amount reported by the School Facilities Commission.

(d) **Case Manager.** For purposes of applying the requirements in Section 15(e)(iii) of these rules and regulations, an individual working under a personal-services contract with a school district or Board of Cooperative Educational Services to provide general supervision of special education programs and services provided to children with disabilities.

(e) **Co-located School.** Two (2) or more schools, each with its own unique identifier, that exist within the same educational building.

(f) **Combined school.** Two (2) or more existing schools in a district which are joined together to form a single school as a result of one or more schools closing within a district.

(g) **Data Correction.** Corrections necessary to ensure model operation and current school year district payments are using the correct data supplied by school districts, other state

agencies, and outside Department consultants to properly compute school foundation program payments to school districts as required by law.

(h) Days of Operation. Each school shall be in operation for at least 185 days unless an alternative schedule has been approved by the State Board, and shall conduct classes with a majority of teachers and students present for at least 175 days. Days used exclusively for registration, report card distribution, teacher/parent conferences, in-service programs, and similar activities shall only be counted as days of operation beyond the 175-day pupil-teacher contact minimum.

(i) Department. Wyoming Department of Education.

(j) English Language Learner (ELL) Student. For purposes of calculating the funding model at-risk count, any student on October 1 who has been identified as an ELL or former ELL in Year 1 or Year 2 Monitor Status in compliance with required identification criteria presented in a format specified by the Department.

(k) Facility. A standalone or combination of a school building, office building, portable building, or warehouse building which is owned by the district and supports the delivery of the educational basket of goods or the educational programs necessary to meet State accreditation standards and federal laws.

(l) Format Change. Any change to the funding model that results in a different appearance or layout and maintains the integrity and functionality of the model.

(m) Foundation Program Report. The accumulation and aggregation of student attendance and membership statistics, school district financial data, reimbursement claims, estimates, and other representations including, but not limited to, the following reports: the Annual District Report, the WISE Attendance & Membership Report, the Foundation Program Funding Worksheet, the Annual Special Education Expenditure Report, the Annual Student Transportation Expenditure Report, the Vocational Education Student FTE Worksheet, Vocational Education Teacher FTE Worksheet, and the Annual District Budget.

(n) Foundation Program Review. The examination, analysis, testing, and verification of a school district's Foundation Program Report and system of student accounting by the Department or its representative (whether on-site at the school district or in the form of a desk review at the offices of the Department) to confirm, verify, validate, and, if necessary, correct the student attendance and membership statistics, school district financial data, reimbursement claims, estimates, and other representations appearing in the district's Foundation Program Report.

(o) Free and Reduced Lunch (FRL) Student. For purposes of calculating the funding model at-risk count, an FRL student is: Any student reported as primarily enrolled by a district on October 1 who is approved to participate in the free and reduced priced lunch program under the national school lunch program established by 42 U.S.C. 1751 et seq.

(p) Funding Model. The spreadsheet adopted by the Wyoming State Legislature in Attachment “B” of 2006 Wyoming Session Laws Chapter 37 as modified by the Wyoming Legislature and the Department with technical and data corrections.

(q) Hospitalized or Homebound Students. Students who do not physically attend regular school sessions for more than one (1) week and receive instruction through a homebound program provided in accordance with W.S. 21-4-402.

(r) Membership. For purposes of counting and reporting Average Daily Membership (ADM), the district shall include ~~appropriate inclusion of an enrolled~~ student in a school’s student accounting records ~~for all or part of a day when the school is regularly in session~~, whether the student is ~~physically~~ in attendance or absent on that day.

(s) Mobile Student. For purposes of calculating the funding model at-risk count, a mobile student is: Any student reported as primarily enrolled in any grade six (6) through twelve (12) by a district on the annual WDE spring accountability snapshot date where the student’s school entry date falls after October 1 of the same school year.

(t) New School. A school that is assigned a unique identification number from the Department for reporting purposes, which starts a new Adequate Yearly Progress cycle, and is funded as a first year school in the Wyoming funding model.

(u) Part-time Student. A ~~non-distance education~~ student that is enrolled in fewer daily hours or periods than normally scheduled in the school they are enrolled.

(v) Reconfigured School. A school in which grades served has been changed from the previous school year with Department approval.

(w) Replacement School. A school in which a new building has been constructed for an existing school and grade configuration.

(x) School Day. For purposes of counting and reporting ADM, the starting time of a pupil-teacher contact day to the ending time of a pupil-teacher contact day as established by school district board of trustee policy. However, the total number of hours for all school days, when accumulated over the 175-day pupil-teacher contact period required by W.S. 21-4-301 or the number of days required under an alternative schedule approved by the State Board, shall not be less than the minimum applicable number of hours established by the State Board in Chapter 22 of its rules and regulations.

(y) Site. A parcel of land that has been acquired by a district, that has one (1) or more facilities located on it, and is identified by the Wyoming School Facilities Commission by a site identification number.

(z) State Board. Wyoming State Board of Education.

(aa) Student Accounting. The process of enrolling students, taking attendance, appropriately withdrawing students and removing them from student accounting records, and maintaining accurate and verifiable computer-based or written records for the purpose of uniform and timely reporting of student attendance and membership statistics at each school district's school.

(bb) Technical Correction. A correction necessary to ensure model operation and current school year district payments are in accordance with law and the model is properly computing school foundation program payments to school districts as required by law.

**Section 5. Basis of Accounting.** With the exception of those accounting operations necessary to properly compute a school district's operating balance and cash reserves under W.S. 21-13-313(e) and Section 16 of these rules and regulations, all school districts shall, for purposes of preparing the individual reports within the Foundation Program Report, utilize the cash basis of accounting. Any exceptions shall have prior approval of the Department.

**Section 6. Responsibility of School Districts.**

(a) Districts shall ensure their full compliance with the law or rules regarding timeliness, format, completeness and accuracy on all reports submitted to the Department.

(b) All foundation program reports required to be submitted to the Department by school districts by statute or rule and regulation shall include a statement by the district superintendent certifying that the information submitted is complete, accurate and in conformance with the reporting requirements.

(c) All foundation program reports shall be submitted by the district superintendent to the Department on or before the statutory date or a date determined by the Department. If a district superintendent fails to provide data or financial reports by the statutory date or a date determined by the Department, the district superintendent shall include an explanation as to the tardiness of the report.

(d) If a district superintendent submits, without good cause, a foundation program report that is tardy, incomplete, inaccurate or in an incorrect format, the State Superintendent of Public Instruction, through Department staff, shall advise the district's board of trustees of the non-compliance with reporting requirements and require the district's board to submit a plan to correct the non-compliance and prevent future instances of non-compliance. The plan shall be submitted to the Department by the district within thirty (30) days of receipt of the request from the Department and shall include the specific steps the district is taking to correct the non-compliance and prevent its reoccurrence.

**Section 7. Reporting a School's Status to the Department.**

(a) School districts shall give written notification to the Department within two (2) weeks upon the occurrence of any one of the following events:

- (i) A new school opens and students are attending classes;
- (ii) A school closes and students are no longer attending classes (this does not apply to replacement schools); or
- (iii) Emergency conditions such as weather, utility failure, or safety conditions require the temporary closure of one or more schools for a half school day or more.

#### **Section 8. School Reconfiguration Process for Purposes of Funding.**

(a) A school district shall file an application with the Department requesting approval from the State Superintendent of Public Instruction to change a school's grade configuration for the next school year.

(b) Applications to modify a school's grade configuration for the upcoming school year shall be received by the Department no later than June 15 of each year.

(c) The application shall provide documentation verifying compliance with the district's facility plan on file with the School Facilities Commission (SFC) and with the criteria outlined in W.S. 21-13-309(m)(iv)(C), including:

- (i) Appropriate delivery of the required educational program;
  - (ii) Cost effectiveness of the modified grade configuration for the delivery of adequate educational services to students; and
  - (iii) Any extra ordinary circumstances related to the safe and efficient delivery of the educational program to students.
- (d) The above criteria will be reviewed by the Department on an individual district basis and a decision will be rendered to the district no later than sixty (60) days following receipt of the request. A determination will be made on a case-by-case basis. In some instances, a reconfigured school or combined school may result in a new school. If a replacement school is built, the school shall not be considered a new school.

**Section 9. Minimum Attendance Taking Requirements.** All Wyoming public schools shall take and record attendance to verify and to ensure accurate attendance and membership calculations.

(a) In ~~all~~ elementary schools, attendance shall be taken a minimum of two (2) times during the school day; once in the morning and once in the afternoon ~~to verify either half-day or full-day attendance.~~

(b) In middle schools, junior high schools, and high schools, attendance shall be taken each class period.



(c) Virtual education attendance shall be measured for each virtual course by approved participation requirements as defined by Chapter 41 Virtual Education.

**Section 10. Mathematical Calculation of Average Daily Membership (ADM).**

(a) Each school shall meet both the 175-day pupil-teacher contact requirement (or, if less, the number of days required by an alternative schedule approved by the State Board) and the minimum applicable number of hours established by the State Board in Chapter 22 of its rules and regulations.

(b) The mathematical calculations on the WISE Attendance & Membership Report for purposes of computing the ADM for each school district, is derived by dividing the school's aggregate membership, including hospitalized or homebound students, for the period of time under aggregation by the actual number of days over which the aggregation occurred. The resulting calculation shall not exceed one (1) ADM. Student data used to report membership statistics shall be provided by each school's student information system. ADM calculations shall be carried out and rounded off to three (3) decimal places for the WISE Attendance & Membership Report and the Foundation Program Funding Worksheet.

(c) All Wyoming schools shall not include in their membership those students for whom the school district is no longer actively or prospectively providing appropriate instructional services. Examples include, but are not limited to, situations relative to students who:

(i) Withdraw from school;

(ii) Are absent more than ten (10) consecutive school calendar days;

(iii) Are full-time virtual education students not meeting participation requirements for more than ten (10) consecutive program days as defined by Chapter 41 Virtual Education;

(iv) ~~(iii)~~ Do not attend a school in a Wyoming school district;

(v) ~~(iv)~~ Transfer from one school to another within a district (the sending school shall cease to include the transferred student in its membership); or

(vi) ~~(v)~~ Move out of the area, or are otherwise no longer receiving appropriate district instructional services.

(d) A school district that receives a student from another school district shall immediately include that student in its membership. The school district that sends a student to another school district shall immediately cease including that student in its membership. No student shall be included in two schools' memberships at the same time, whether those schools are in the same district or in different districts.

(e) No reduction in aggregate membership shall occur when a student completes a virtual education course before the end of the term if the participation requirements have been completed. A weighted day calculation shall be used for the time the student was enrolled in the course. The weighting shall be calculated using the number of scheduled term days divided by the actual days it took the student to complete the course (e.g., a course term is 88 days and a student completed the course in 50 days. The 88 term days are divided by the 50 course days to equal a 1.76 weighted day equivalent for each of the 50 days in the course. The 50 days the student took to complete the course is multiplied by the weighted figure of 1.76 resulting in 88 course days). For each course, the number of days completed shall be divided by the regularly scheduled number of courses in the school to compute the aggregate membership (e.g., if a student completed 88 course days and the school offered 8 courses per day, the student's aggregate membership for the course would be 11.000).

~~(f) Students participating in distance education courses from the resident district shall be included within the membership of the resident district, unless an agreement exists between the resident district and non-resident district in accordance with W.S. 21-13-330(h).~~

(f) ~~(i) Distance~~ Virtual education student membership shall be prorated at less than full-time equivalent one (1.0) ADM if the number of ~~distance~~-virtual education courses in which the student is enrolled are less than the regularly scheduled courses for that school, but the ~~distance~~-virtual education membership may be combined with any non-~~distance~~-virtual education membership on a daily basis to result in a larger fractional membership for the day ~~ADM~~ not to exceed one (1).

~~(ii) Distance education student membership shall be based on actual completion of milestones and computed as follows:~~

~~(A) For each course, the number of student days for the school shall be divided by the number of milestones specified in the student's Distance Learning Plan to compute the number of days each milestone is worth (e.g., if a course has 15 milestones and the school has 175 days, then each milestone is worth 11.67 days);~~

~~(B) For each course, the number of completed milestones shall be multiplied by the amount each milestone is worth to compute the number of days a student successfully completed (e.g., if a student completes 15 of 15 milestones, 11.67 multiplied by 15 equals 175; if a student completed 10 of 15 milestones, 11.67 multiplied by 10, equals 116.7);~~

~~(C) For each course, the number of days completed shall be divided by the regularly scheduled number of courses in the school to compute the aggregate membership (e.g., if a student completed 175 days and the school offered 8 courses, the student's aggregate membership for that course would be 21.875);~~

~~(D) By student, the aggregate membership for each course shall be summed to compute the total student distance education aggregate membership and, if necessary, added to the student's non-distance education membership;~~

(iii) ~~Each student's Distance Learning Plan detailing the completion of each milestone shall be maintained by the district to support attendance and membership records for distance education students.~~

(g) Students in membership less than eighty percent (80%) of the school day shall be counted equal to their part-time membership using A school calculating aggregate membership for part-time students shall select one (1) of the following three (3) methods and apply that one (1) method to all part-time students in a school:

(ii) ~~Include in membership a student in attendance for a major fraction of a half school day (greater than 25 percent) as if he or she had completed a half school day. Include in membership a student in attendance for a major fraction of a school day (greater than 50 percent) as if he or she had completed an entire school day. ; or~~

(iii) Calculate the ratio of periods in membership to the total periods normally offered at that school (e.g., a student in membership two (2) periods a day in a school that offers seven (7) periods per day would generate a  $\frac{2}{7}$  aggregate membership, or 0.286 ADM for the number of days over which the aggregation occurred); or

(iv) Calculate the ratio of hours (or minutes) in membership for the period of time under aggregation (regular or approved alternative schedule) to the total possible hours normally offered at that school scheduled for the period of time under aggregation for the closest district-operated non-alternative school offering instructional services at the grade level of the student under consideration (e.g., a student in membership two and one-half (2.5) hours a day in a school that offers eight (8) hours per day would be  $\frac{2.5}{8}$  hours (or  $\frac{150}{480}$  minutes) for 200 days in classes that provide 120 minutes (2 hours) per day of pupil-teacher contact time (i.e., 400 hours), and measured against a school that normally provides 1100 contact hours during the 200-day period would generate a  $\frac{400}{1100}$  aggregate membership, or 0.364 0.320 ADM for the number of days over which the aggregation occurred 200-day period).

(h) When school is dismissed for emergencies prior to the end of the school day, membership inclusion shall be allowed according to the following guidelines:

(ii) Students in membership for a major fraction of a half school day (greater than 25 percent) shall be counted as one-half day in membership.

(iii) Students in membership for a major fraction of a school day (greater than 50 percent) shall be counted as one whole day in membership.

(iv) Kindergarten students in half-day sessions in membership a major fraction of their session or the equivalent amount of time shall be counted as if the entire session had been completed.

(i) Prior school year ADM shall be adjusted in the funding model in the following instances:

- (ii) A new school opens,
- (iii) A district changes boundaries,
- (iv) A school's grades served are reconfigured, or
- (v) A district moves specific programs from one school to another school, as well as the students in those programs.

(A) The district shall submit a list of schools and the number of students, by grade, which transferred to another school within the district due to one of the instances in subsection (h).

(B) The Department shall subtract the number of students that transferred to another school within the district from the two years of ADM they were already included.

(C) This provision does not apply to:

(I) Co-located schools that combine to create a single school and the combination of the schools does not cause a transfer of students to other schools within the district and the grades served are not adjusted (e.g., a co-located K-5 school and 6-8 school reconfigure to a single K-8 school. The K-8 school serves the same students as if it was the co-located K-5 and 6-8 schools. The prior years' K-5 school and 6-8 school ADM will be transferred to the combined school.) , or

(II) Two or more schools that combine to create a single school and the combination of the schools does not cause a transfer of students to other schools within the district and the grades served are not adjusted (e.g., a separate K-5 school, 6-8 school, and 9-12 school, combine to create a single K-12 school. The single K-12 school serves the same students as if the separate schools still existed. The prior years' K-5 school, 6-8 school, and 9-12 school ADM will be transferred to the combined school.)

## **Section 11. Corrections to the Funding Model.**

(a) The Department shall make any necessary changes to the funding model according to the following processes:

(i) Technical corrections shall be implemented in the following manner:

(A) Evaluate suggested correction in consultation with school finance advisers and state agencies as necessary. If suggested correction is deemed necessary, then proceed with the following steps:

(I) Notify Department staff, Legislative Service Office, and outside school finance consultants;

(II) Document the correction on a Department technical correction form;

(III) Send corrected education resource block grant model to outside school finance consultants for review;

(IV) Request letter from outside school finance consultants certifying that the technical corrections made by the Department are in compliance with Wyoming law;

(V) Inform the School Finance Data Advisory Committee of the correction;

(VI) Notify all school districts in a memo format; and

(VII) Forward revised education resource block grant model to Secretary of State's office along with certification letter.

(ii) Data Corrections shall be implemented in the following manner:

(A) Evaluate suggested correction in consultation with Department staff. If suggested correction is deemed necessary, then proceed with the following steps:

(I) Notify Department staff, Legislative Service Office, and school finance advisers;

(II) Document the correction on a Department data correction form; and

(III) If data correction is made after the WDE-100 is released or while the statewide payment model is being created, notify district(s) affected.

(ii) Format changes shall be implemented in the following manner:

(A) Notify Department staff;

(B) Document the change on a Department format change form; and

(C) Print off a before and after worksheet to illustrate change(s) and attach to format change form.

## **Section 12. Funding Model Operations and Maintenance.**

(a) The Department shall annually update necessary operations and maintenance data components in the funding model with the following data supplied by the Wyoming School Facilities Commission (SFC):

(i) District sites and their associated site identification number, actual site acreage, and acquired date.

(ii) District school building information, including:

(A) Actual gross square footage;

(B) Actual educational gross square footage;

(C) SFC allowable gross square footage;

(D) The year built; and

(E) The number of classrooms.

(b) The funding model generates groundskeeper FTE resources for district sites acquired after July 1, 1997, based on the following:

(i) The site acreage that groundskeepers will be resourced upon shall be the lesser of the actual site acreage or the following SFC guidelines:

(A) Elementary school sites will be allowed a maximum acreage amount of four (4) acres, plus one (1) acre for every one-hundred (100) ADM.

(B) Middle school sites will be allowed a maximum acreage amount of ten (10) acres, plus one (1) acre for every one-hundred (100) ADM.

(C) High school sites will be allowed a maximum acreage amount of twenty (20) acres, plus one (1) acre for every one-hundred (100) ADM.

(ii) If a site contains more than one (1) school, the site will be allowed a maximum acreage amount equal to the highest level of the opened schools on the site, but count all the schools' ADM (e.g., if a site has a middle school and a high school on the same site, the site will be allowed twenty (20) acres, plus one (1) acre for every one-hundred (100) combined middle school and high school ADM). The site shall be resourced upon the lesser of the allowed acreage amount or actual site acreage.

(iii) If a site was acquired through an exchange of land with another government entity and the acreages involved in the exchange were originally acquired by the district and the government entity on or before July 1, 1997, the site will generate groundskeepers for the actual site acreage. The district shall provide the following documentation to the Department:

(A) The dates the district and the government originally acquired the acreages involved in the exchange; and

(B) The completed contract between the district and the government entity to acquire the acreages that identifies the date the exchange occurred.

(iv) Any other district site acquired after July 1, 1997, with a facility other than an elementary school, middle/junior high school, or high school located on it, will be resourced groundskeepers for the site's actual site acreage.

(v) If a district has a parcel of land with a school under construction or without a facility located on it, the funding model will not generate groundskeeper FTE resources for the acreage.

(c) The funding model will generate groundskeeper FTE resources for all district sites acquired on or before July 1, 1997 and shall use the actual site acreage in the calculation that generates groundkeeper FTE resources.

(d) If a district's site acquisition date is different than when the district obtained the title or deed to the site, the district shall provide documentation identifying the exact date when the district acquired the site.

**Section 13. Reimbursable Expenditures.** In general, School Foundation Program reimbursement for school district expenditures incurred in a prior year shall be limited to those incremental costs relative to particular areas specified by law and for which funding is not already directly provided in the education resource block grant model. No reimbursement shall be provided for costs previously or simultaneously recovered elsewhere in the Wyoming school finance system.

#### **Section 14. Student Transportation Reimbursement.**

(a) Chapter 20, Rules for Cost-Based Block Grant Model Transportation Component, of the Department rules is hereby incorporated into these rules as applicable. In addition, the following applies to student transportation reimbursement under W.S. 21-13-320:

(b) Pro rata reimbursement for personnel not devoting one-hundred percent (100%) of their time to student transportation issues and operations shall be supported by clear and continuous documentation.

(c) Personnel dealing with pupil transportation issues and operations full-time shall be subject to one-hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the district superintendent, or district superintendent designee, attesting to such full-time involvement, is on file at the district office. Such affidavits shall be

renewed annually and shall clearly reference the school year for which reimbursement is claimed.

(d) Reimbursement for bus and loading-zone aides shall be limited to those individuals otherwise qualified under Sections 14(a) or 14(b) above.

(e) No reimbursement for student transportation facility major maintenance shall be allowed under this Section.

## **Section 15. Special Education Reimbursement.**

(a) Chapter 7, Special Education Rules Governing Services for Children with Disabilities, of the Department rules is hereby incorporated into these rules only as applicable. Chapter 7 rules remain in force and continue to apply to all areas of Special Education not specifically addressed in Chapter 8. In addition, the following applies to special education reimbursement under W.S. 21-13-321:

(b) Reimbursement for expenditures incurred to provide special education programs and services to children with disabilities shall not duplicate any other reimbursement or revenue source used to offset district special education costs. For example, any amount received by a district from the special school district tax levied under W.S. 21-20-109 for Boards of Cooperative Educational Services (BOCES) providing services to children with disabilities, but not passed through to the BOCES for which the tax was levied, shall be considered by the Department to be a state revenue under W.S. 21-13-310(a).

(c) Special education reimbursement shall be limited to those actual costs required to provide special education programs and services to children with disabilities. Imputed and/or indirect costs, such as those for utilities and other overhead, shall not be claimed.

(d) Salaries and employee benefits for personal services paid to certified and/or licensed teachers, substitute teachers, and other certified and/or licensed personnel, or to paraprofessionals and classified employees, are subject to the following requirements:

(i) Personnel providing full-time special education programs and services to children with disabilities shall be subject to one-hundred percent (100%) reimbursement provided that an appropriate position description exists and an affidavit specific to the year for which reimbursement is expected, signed by the employee and the district superintendent, or district superintendent designee, attesting to such full-time involvement, is on file at the district office. Such affidavits shall be renewed annually and shall clearly reference the school year for which reimbursement is claimed.

(ii) Pro rata reimbursement for personnel not devoting one-hundred percent (100%) of their time providing special education programs and services to children with disabilities shall be supported by clear and continuous documentation.



(iii) Reimbursement for personnel costs of teachers providing special education programs and services to children with disabilities shall be limited to those individuals having appropriate special education certification. Substitute teachers need not be certified as special education instructors.

(iv) Reimbursement for personnel costs of aides and other paraprofessionals shall be based on the amount of time devoted to special education and/or related services, working under the supervision of certified special education personnel.

(e) Instructional materials, supplies and equipment, and other items will be reimbursed in the amount necessary to provide beneficial services for children with disabilities, as determined by their IEP team. Reimbursement would also include those items necessary to evaluate a child to determine the need for special education services as well as those day-to-day supplies, materials, and equipment utilized by special education staff and programs. However, supplies, equipment, and materials generally available to all students shall not be reimbursed under this section.

(f) Contracts for special education services shall be executed on Department approved forms, and the following requirements shall apply to such contracts:

(i) Charges for contracted special education programs and services related to individual children shall be supported by an itemized billing statement showing each child served during each billing period. Reimbursement shall not exceed actual costs for services.

(ii) With the exception of those payments to BOCES or other Wyoming school districts that have been pre-approved by local boards of trustees, payment for services shall be made only after the services have been provided.

(iii) School districts offering special education programs and services through a case-management arrangement utilizing individuals other than district staff shall develop a personal-services contract setting out and describing those case-management services provided by the case manager.

(iv) Each contract for out-of-district or out-of-state placement shall be written for only one child.

(v) Contracted services shall only be provided by appropriately certified, licensed, or registered providers.

(vi) All providers shall adhere to all Department and State Board rules and regulations.

(vii) All contracts for services shall be subject to review by the Department.

(g) Each local district shall develop, implement, and enforce a reasonable policy setting forth the conditions, limitations, and allowable frequency of travel by parents to visit their

child with disabilities when the child has been placed in a specialized setting away from their home in accordance with the child's IEP.

#### **Section 16. Cash Reserves.**

(a) A school district's "operating balance and cash reserves," as that term is used in W.S. 21-13-313(e), includes all district general fund financial resources computed in accordance with Generally Accepted Accounting Principles as of the end of the fiscal year which are not legally obligated or otherwise restricted by law or regulation for expenditure on specific educational programs or facilities. Thus, a school district's Committed, Assigned and Unassigned end-of-year general-fund fund balance as reported in the district's audited financial statements will normally be considered to be its operating balance and cash reserves for that year.

(b) A school district shall not transfer funds or accumulated reserves from its general fund to another fund for purposes of avoiding inclusion of such amounts as state revenues under W.S. 21-13-310(a). Any amount so transferred shall be considered by the Department to be state revenue under W.S. 21-13-310(a).

(c) District's revenues received from settlements of prior protested twenty-five (25) and six (6) mill tax payments may be excluded from the cash reserve calculation for the fiscal year in which the payments were received per W.S. 21-13-313(e).

(d) A district wishing to exclude a tax settlement from the cash reserves calculations shall submit a letter to the Director of Finance requesting exclusion, thirty (30) days after the end of the previous fiscal year in which the protest payment was received.

(e) The letter shall include a certification from the county treasurer on the amount of the tax settlement receipt.

**Section 17. At-Risk Data Used for the Funding Model.** The data constituting a district's at-risk count shall be the unduplicated count of ELL students, FRL students and mobile students.

**Section 18. Internal Consistency of Reports and Mathematical Integrity.** The individual reports making up the Foundation Program Report shall be operationally and mathematically consistent. The Annual District Report shall serve as the hub and master repository of district financial data. As such, the other reports making up the Foundation Program Report shall, where applicable, achieve reconciliation with the Annual District Report. Each school district superintendent shall review the individual reports making up the Foundation Program Report for his or her district as appropriate and necessary before they are forwarded to the Department and, based upon his or her review, certify that, to the best of his or her knowledge and belief, the Foundation Program Report and its subparts are complete, accurate, and in conformity with all reporting requirements.

**Section 19. Retention of Foundation Program Reports.** The foundation program reports for each district, along with all supporting data, shall be maintained in accordance with the retention schedule for school districts on file with the Wyoming State Archives office.

## Chapter 41

### Virtual Education

**Emergency rules are in effect no longer than 120 days after filing with the Registrar of**

#### **Rules.**

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

**Section 3. 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 that has students currently enrolled;
- (b) “Bridge” means to connect multiple video units into one conference call using a telecommunications network device;
- (c) “Course sections” means simultaneous instances of a course offering with a unique student enrollment;
- (d) “Department” means the Wyoming State Department of Education as created by W.S. § 21-2-104;
- (e) “Local Board” means the educational governing body established at each Wyoming school district in accordance with W.S. § 21-3-101;
- (f) “Memorandum of Understanding (MOU)” means a signed documented agreement between districts outlining fees paid for a class or education program, educational support provided to the student(s), required training, and conflict resolution policy;
- (g) “Nonresident district” means the school district in which a participating student does not reside but which employs the virtual education program teacher and which sponsors, approves, facilitates and supervises the virtual education program course material provided to the participating student;

- (h) “Program” means one or more virtual education courses;
- (i) “Resident district” means the school district in which the participating student resides and receives virtual education program instruction;
- (j) “State Board” means the Wyoming State Board of Education as created by W.S. 21-2-301 (a);
- (k) “Student” means a resident of Wyoming as described in W.S. § 21-4-102;
- (l) “Synchronous” means instruction delivered by the instructor and received by the student concurrent in time;
- (m) “Virtual Education” means instruction 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);
- (n) “Virtual education program provider” means a Wyoming school district, a consortia of school districts, a Wyoming post-secondary institution, or an out-of-state institution that delivers a virtual education program;
- (o) “Wyoming Switchboard Network (WSN)” means an approved network of virtual education programs that meet state-established guidelines for course content and delivery.

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

- (a) 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 to add its virtual education program(s) to the WSN and to be considered for the succeeding school year. The letter of intent shall provide:
  - (i) 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,
  - (ii) A signed assurance statement maintaining that the virtual education program possesses the necessary financial, personnel, and technical infrastructure capacity to effectively operate.
- (b) After verifying the Department approved accreditation of the school(s) and district(s) proposing to provide the virtual education program, the Department may approve the letter of intent based on the information provided in the virtual education program overview or request necessary changes before proceeding.
- (c) After the approval of the letter of intent, the prospective 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; and,
  - (B) Procedures for course evaluation.
- (ii) A student accountability narrative that details:
  - (A) The enrollment requirements of the student;
  - (B) The pre-enrollment consultation, to include:
    - (I) A 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) The anticipated roles and duties of the school in which the student is enrolled, specifically with regard to the instructional support that assists the student and monitors their progress throughout the duration of the virtual education course(s);
  - (D) The virtual 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.
- (iii) An instructor accountability narrative that details:
  - (A) The professional development opportunities available to instructors, to include:
    - (I) Pre-service components which shall be required of all instructors that possess no previous experience teaching within the 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, 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 virtual education pedagogy.

(iv) A partnership plan narrative that describes the expectations and requirements the virtual education program provider will have for the district in which the student is enrolled, and how the virtual education program provider will coordinate the proper support and training for district personnel.

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

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

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

(ii) A course scope that outlines the topics, objectives, assessments, and other mandatory benchmarks presented throughout the coursework;

(iii) The contact time and methods of contact required by the student in order to successfully complete the course;

(iv) 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 and able to be recorded and verified by the teacher of record;

(v) The measurable participation elements that are required in order to successfully complete the course;

(vi) A course standards alignment that documents which Wyoming Content and Performance Standards are addressed by each course;

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

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

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

(g) A Wyoming post-secondary virtual 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.

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

(i) Verify that the out-of-state virtual 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 virtual 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 full-time student enrollments; and

(vi) Verify the out-of-state virtual 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. WSN Renewal and Updates.**

(a) All virtual education program providers shall update course calendar information and verify the accuracy of all other course components each year. 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 update any component of its WSN Program Application and submit it for evaluation.

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

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



## **Section 6. Enrolling Students.**

(a) All virtual education course enrollments are initiated at the resident district, in accordance with W.S. § 21-13-330(g)(ii). The resident district shall have ten (10) business days to confirm the enrollment process and, if necessary, assign the student to a resident district school that provides an appropriate grade level instruction. A virtual education program provider shall not enroll or collect any student information the resident district's consent, which consent shall not be unreasonably withheld.

(b) The resident district shall verify that the prospective virtual 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 to track student progress through the course; and,

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

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

(d) The virtual education provider and resident district shall agree on and clearly outline a process concerning where and how to send information between the virtual education program provider and resident district in regard to the student's progress.

(e) Appropriate Wyoming Department of Education data collection policies shall be used to document all student enrollments into a virtual education program.

(f) As outlined in Section 12 of these rules, a signed Memorandum of Understanding (MOU) between districts for a portion of a pupil's education program shall be completed and on file at both districts.

(g) 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 in a Department approved virtual education program(s).

(h) A district may remove a student from its membership to participate in a full-time virtual education program offered by another Wyoming school district. In this instance, the virtual education provider shall become the district in which the student is enrolled and shall:

(i) Formally document the transfer and request of student records by sending written notification to the district in which the student was previously enrolled; and

(ii) Immediately provide written notice to the district in which the student was previously enrolled if the student withdraws from the virtual education program.

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

#### **Section 7. Department Responsibilities.**

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

(b) The Department shall provide training and technical assistance to school districts for the delivery, review, and research of virtual education programming available on the WSN.

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

(d) 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.

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

(a) The resident district shall monitor the participating student's progress, in collaboration with the virtual education program provider, to ensure the student is actively engaged and completing the required course participation elements.

(b) The resident district shall ensure each student participating in a virtual education program 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) In collaboration with the virtual 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 virtual 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 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.

**Section 10. 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 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 report to the Department through the district's student information system or other Department-approved reporting system:

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

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

(iii) Internal survey results if available; and

(iv) Reports required by the Distance Education Grant (DEG) outlined in Section 13 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) The Department shall:
- (i) Monitor student virtual education enrollment and participation information;
  - (ii) Annually survey district superintendents concerning their virtual 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 WSN;
  - (iv) Compile Department survey results and present a summary reporting to the State Superintendent of Public Instruction and the Wyoming Legislature;
  - (v) Provide a summary of virtual education course(s) available on the WSN; and
  - (vi) Present a compilation report on the information collected from WSN virtual education program providers utilizing the DEG program.

**Section 11. 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 participation rather than attendance, as described in Section 14.

**Section 12. Memorandum of Understanding (MOU).**

- (a) A signed MOU shall be:
  - (i) Used as the formal agreement between districts;
  - (ii) Initiated by the district providing a portion of a student's education;
  - (iii) In effect for a period of not more than twelve (12) consecutive months and with a start and end date that generally correspond to the school calendar; and
  - (iv) On file at both districts.

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

(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 by the district in which the student is enrolled to the district providing a portion of the student's education, to include how the amount is determined, due date(s), and method of payment;

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

(iv) 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 in the virtual education course(s);

(v) 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) Extra curricular activities; and,

(G) Special needs requirements.

(vi) If the district in which the student is enrolled does not have qualified virtual education site coordinators, the MOU 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.

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

(viii) 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;

(ix) A conflict resolution policy; and,

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

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

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

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

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

(i) Necessary professional development requirements that align to the 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 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 and advanced-placement courses.

(e) The evaluation and award of all DEG Program grants shall be conducted by the

Department and external evaluators, using publically accessible rubrics. The evaluation of the grants shall be based on:

- (i) The priority of the course(s) being offered and the intended uses of the funding;
  - (ii) The number of students estimated to participate in the 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 14. 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. Such requirements shall establish expectations for student interaction with the virtual education course. They shall also be measurable, and recorded and verified by the teacher of record. Participation requirements shall be used by the districts and the Department, including for funding and accountability purposes, in lieu of attendance.
- (b) 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 ten (10) program days, the participation of any student enrolled in the course.
- (c) 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.
- (d) At the end of each school year, for purposes of determining membership, the number of days on which a student was reported as participating 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).

(e) 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 teacher recorded elements. The participation report shall be generated at the administrative level and stored for future audit and monitoring purposes.

#### **Section 15. 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.



## Chapter 41

### Distance-Virtual Education

Emergency rules are in effect no longer than 120 days after filing with the Registrar of

#### Rules.

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

**Section 3. Definitions.** For purposes of all ~~distance-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” means any ~~distance-virtual~~ education course that has students currently enrolled;

~~(b) “Asynchronous” means instruction delivered by the instructor and received by the student not concurrent in time;~~

~~(b)~~ ~~(e)~~ “Bridge” means to connect multiple video units into one conference call using a telecommunications network device;

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

~~(d)~~ ~~(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 parent 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)~~ ~~(i)~~ “Local Board” means the educational governing body established at each Wyoming school district in accordance with W.S. § 21-3-101;

~~(f)~~ ~~(j)~~ “Memorandum of Understanding (MOU)” means a signed documented

agreement between a ~~distance education program provider and a resident~~ districts outlining fees paid for a ~~distance class or~~ education program, educational support provided to the student(s), required training, and conflict resolution policy;

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

~~(g)~~ ~~(f)~~ “Nonresident district” means the school district in which a participating student does not reside but which employs the distance-virtual education program teacher and which sponsors, approves, facilitates and supervises the distance-virtual education program course material provided to the participating student;

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

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

~~(j)~~ ~~(o)~~ “State Board” means the Wyoming State Board of Education as created by W.S. 21-2-301 (a);

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

~~(l)~~ ~~(q)~~ “Synchronous” means instruction delivered by the instructor and received by the student concurrent in time;

~~(m)~~ ~~(f)~~ “Distance-Virtual Education” means instruction 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;~~

~~(n)~~ ~~(g)~~ “Distance-Virtual 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-virtual education program;

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

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

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

~~(a)~~ ~~(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 to add its distance-virtual education program(s) to the WSN and to be considered for the succeeding school year. The letter of intent shall provide:

(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,

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

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

(c) ~~(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; and,

(B) Procedures for course evaluation.

(ii) A student accountability narrative that details:

(A) The enrollment requirements of the student;

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

(I) A 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) The anticipated roles and duties of the ~~resident~~ school in which the student is enrolled, specifically with regard to the instructional support that assists the student and monitors their progress throughout the duration of the ~~distance-virtual~~ education course(s);

(D) The ~~distance-virtual~~ 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 accountability narrative that details:

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

(I) Pre-service components which shall be required of all instructors that possess no previous experience teaching within the ~~distance-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 partnership plan narrative that describes the expectations and requirements the ~~distance-virtual~~ education program provider will have for the ~~resident~~ district in which the student is enrolled, and how the ~~distance-virtual~~ education program provider will coordinate the proper support and training for ~~resident~~ district personnel.

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

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

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

(ii) A course scope that outlines the topics, objectives, assessments; and other mandatory benchmarks presented throughout the coursework;

(iii) The contact time and methods of contact required by the student in order to successfully complete the course;

(iv) 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 and able to be recorded and verified by the teacher of record;

(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; ~~In accordance with Section 10 of the Department's Chapter 8 Rules and Regulations for the School Foundation Program, these Milestones will measure the student's progress throughout the coursework and shall be used as attendance and membership equivalency within the student's distance learning plan;~~

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

(vii) ~~(v) Course quality documentation that demonstrates the course meets or exceeds the appropriate Department approved standards/guidelines pertaining to distance-virtual education course delivery methods; and,~~

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

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

(g) ~~(h) A Wyoming post-secondary distance-virtual 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.~~

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

(i) ~~Verify that the out-of-state distance-virtual 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-virtual 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 full-time student enrollments; and

(vi) Verify the out-of-state distance-virtual 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. WSN Renewal and Updates.**

(a) All ~~nonresident district distance-virtual~~ education program providers shall update course calendar information and verify the accuracy of all other course components each year. Updates to course ~~Milestones-participation requirements~~ will not be accepted for active distance-virtual education courses that have students currently enrolled.

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

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

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

## **Section 6. Enrolling Students.**

(a) All distance-virtual education course enrollments are initiated at the resident district, in accordance with W.S. § 21-13-330(g)(ii). The resident district shall have ten (10) business days to confirm the enrollment process and, if necessary, assign the student to a resident district school that provides an appropriate grade level instruction. A distance-virtual education program provider shall not enroll or collect any student information the resident district's consent, which consent shall not be unreasonably withheld.

(b) The resident district shall verify that the prospective distance-virtual 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.

(c) The resident district shall notify the ~~distance-virtual~~ education program provider of the student's intent to register for any ~~distance-virtual~~ education coursework. The ~~distance-virtual~~ 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,~~

(d) ~~(iv)~~ The virtual education provider and resident district shall agree on and ~~Clearly outlined a process concerning where and how to send information between the distance-virtual education program provider and resident district in regard to the student's progress through the course Milestones.~~

(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.~~

(f) As outlined in Section 12 of these rules, a signed Memorandum of Understanding (MOU) ~~between the resident districts for a portion of a pupil's and the distance education program provider~~ shall be completed and on file at both the resident districts and with the distance education program provider.

(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 in a Department approved distance-virtual education program(s).

(h) ~~In accordance with W.S. § 21-13-330(h), a resident A~~ district may remove a student from its membership to participate ~~full-time~~ in a full-time distance-virtual education program offered by another nonresident Wyoming school district. In this instance, the nonresident school district-virtual education provider shall: become the district in which the student is enrolled and shall:

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

(ii) Immediately ~~notify the student's resident~~ provide written notice to the district in which the student was previously enrolled district in writing if the student withdraws from the ~~nonresident school district's distance-virtual~~ education program.; and

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

## **Section 7. Department Responsibilities.**

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

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

(b) ~~(c)~~ The Department shall provide training and technical assistance to school districts for the delivery, review, and research of distance-virtual education programming available on the WSN.

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



~~(d)~~ ~~(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 provide a template for the individual student Distance Learning Plan.

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

(a) The resident district shall monitor the participating student's progress, in collaboration with the ~~distance~~ virtual education program provider, to ensure the student is actively engaged and completing ~~progressing through~~ the required course ~~Milestones~~ participation elements.

(b) The resident district shall ensure each student participating in a ~~distance~~ virtual 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.

~~(c)~~ ~~(d)~~ In collaboration with the ~~distance~~ virtual 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~~ virtual 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~~ virtual education mediums shall limit course sections to a 25:1 maximum student to teacher ratio.

~~(b)~~ ~~(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 10. 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 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 in a learning management system and report to the Department through the district's student information system or other Department-approved reporting system:

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

(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 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.

(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;

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

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

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

#### **Section 11. ~~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 participation rather than attendance, as described in Section 14.

#### **Section 12. Memorandum of Understanding (MOU).**

(a) A signed MOU shall be:

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

(ii) Initiated by the district providing ~~the~~ a portion of a student's ~~distance-education-program provider;~~

(iii) ~~Designed~~ In effect for a period of not to exceed more than twelve (12) consecutive months and with a start and end date that generally correspond to the school calendar; and

(iv) ~~On file at the resident~~ both districts.

(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 by the district in which the student is enrolled to the district providing a portion of the student's education, Payment information to include how the amount is determined, due date(s), and method of payment;

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

(iv) 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 in the virtual education course(s);

(v) ~~(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.

(vi) ~~(v)~~ If the resident district in which the student is enrolled does not have qualified distance-virtual education site coordinators, the MOU 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.

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

(viii) ~~(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;

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

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

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

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

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

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

(i) Necessary professional development requirements that align to the ~~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 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 and advanced-placement courses.

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

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

(ii) The number of students estimated to participate in the ~~distance-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. 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. Such requirements shall establish expectations for student interaction with the virtual education course. They shall also be measurable, and recorded and verified by the~~

teacher of record. Participation requirements shall be used by the districts and the Department, including for funding and accountability purposes, in lieu of 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.

(b) 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 ten (10) program days, the participation of any student enrolled in the course.

(c) 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.

(d) At the end of each school year, for purposes of determining membership, the number of days on which a student was reported as participating 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).

(e) 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 teacher recorded elements. The participation report shall be generated at the administrative level and stored for future audit and monitoring purposes.

#### **Section 15. 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 ~~19~~ W.S. § 21-2-304(a)9(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.