



Certification Page
Regular and Emergency Rules
 Revised July 2019

Emergency Rules (Complete Sections 1-3 and 5-6)

Regular Rules

1. General Information			
a. Agency/Board Name Education, Department of			
b. Agency/Board Address 122 West 25th Street, Suite E200		c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Laural Ballard		f. Agency Liaison Telephone Number 307.777.8715	
g. Agency Liaison Email Address laural.ballard@wyo.gov		h. Adoption Date 3/24/2020	
i. Program General Agency, Board or Commission Rules			
2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular (non-emergency) 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 non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. <i>Please use the "Additional Rule Information" form to identify additional rule chapters.</i>			
Chapter Number: 41	Chapter Name: Virtual Education	<input type="checkbox"/> New <input checked="" 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 Repealed	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 Repealed	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 Repealed	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 Repealed	

* If the name of a chapter of rules is changing, please only provide the NEW chapter name on this rules certification form.

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:

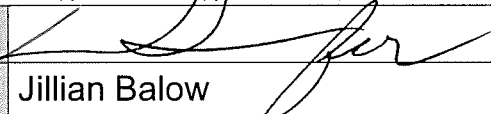
5. Checklist

a. For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b. For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Jillian Balow
Signatory Title	State Superintendent of Public Instruction
Date of Signature	March 24, 2020

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

DICKY SHANOR

Chief of Staff

TO: Honorable Mark Gordon, Governor
State of Wyoming

FROM: Shelley Hamel, Chief Academic Officer

SUBJECT: Emergency Rules: Chapter 41 – Virtual Education

DATE: March 24, 2020

PRIORITY: **HIGH**

SUMMARY: In order to assist the state of Wyoming in responding to the COVID-19 emergency declaration as issued by Governor Mark Gordon on March 13, 2020, the Wyoming Department of Education is adopting emergency language in Chapter 41 to allow schools to conduct temporary virtual education.

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Chapter 41

Virtual Education

STATEMENT OF REASONS

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

In order to assist the state of Wyoming in responding to the COVID-19 emergency declaration as issued by Governor Mark Gordon on March 13, 2020, the Wyoming Department of Education is adopting emergency language in Chapter 41 to allow schools to conduct temporary virtual education. The revisions authorize the state to support the emergency response, mitigation, and recovery efforts as well as serve the residents of Wyoming continuing education in the most appropriate manner through this challenging time.

The Governor, in coordination with the State Superintendent of Public Instruction, the Wyoming Department of Health, and various other state agents and agencies, recommended districts consider school closures on March 15, 2020. In response, districts began canceling standard school schedules. To mitigate the loss of educational opportunities and instructional days, many districts are developing plans to deliver education outside of the brick and mortar classroom.

The emergency rules set requirements to manage and track instruction at a distance. This requires allowing districts greater flexibility in deploying temporary virtual education. The emergency Chapter 41 revisions allow districts to continue to deliver instruction and keep schools open while limiting health risks to students and staff. The rules provide alternative attendance tracking measures and the most flexibility possible for districts to deliver Adapted Learning to all students, including those without technology that is typically used in distance delivery. Additionally, the rules require districts to develop and receive approval for their Adapted Learning Plan to ensure that educational delivery conforms with the statewide uniform system of education.

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 and the Wyoming Professional Teaching Standards Board under the authority of W.S. § 21-2-202(a)(xxxix) and W.S. § 21-13-330.

Section 2. Definitions. For purposes of all virtual education courses offered by Wyoming school districts or from which academic credit will be transferred to or accepted by a Wyoming school district the following definitions shall apply:

(a) “Active virtual education course” means any virtual education course offered by an approved full- or part-time virtual education provider;

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

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

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

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

to facilitate the student’s successful participation in virtual education;

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

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

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

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

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

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

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

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

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

(o) “Virtual education” means instruction of one or more Department-approved courses administered primarily through technology outside of the physical classroom, in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and accredited by the State Board under W.S. 21-2-304(a)(ii), and which may be distinguished from other types of courses in that the physical separation of the virtual education teacher and student(s) substantially limits or even prohibits the teacher from providing a preponderance of course instruction in-person;

(p) “Virtual education teacher” means the instructor of a Department-approved virtual education course who, regardless of whether the instructor is an employee of a school district established pursuant to the laws of this state, shall meet the certification or permit

requirements of W.S. § 21-7-303(a). In addition to providing instruction primarily through technology outside of the physical classroom, the teacher shall have duties that generally include facilitating student learning, monitoring student progress, providing and grading assignments, and providing qualitative feedback, all of which can and generally are provided through technology;

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

Section 3. Wyoming Virtual Education Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) A course evaluation narrative that describes:

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

(B) Procedures for course evaluation.

(ii) A student accountability narrative that details:

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

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

(I) A process to verify that the virtual education

course(s) is appropriate to the learning capabilities of the individual student; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Wyoming Virtual Education Program Renewal and Updates.

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

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

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

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

Section 5. Enrolling and Withdrawing Students.

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

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

(c) Any student who elects, with the consent of a parent or legal guardian if required, to participate in a full-time virtual education program offered by a district that is not the district in which the student resides, shall no longer be enrolled in the district in which the student resides. Such district, upon confirming the intention of the student to enroll in a Department-approved full-time virtual education program, shall withdraw the student from the

district, if necessary, and confirm enrollment by the district that is the full-time virtual education provider within not more than ten (10) business days. The full-time virtual education provider shall formally document the student transfer and the request of student records by sending written notification to the district in which the student was previously enrolled. The two districts may enter into an agreement, as described in Section 10 of this rule, for any services or courses that are to be provided to the student by the district in which the student resides.

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

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

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

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

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

(i) A district may allow a student whose custodial parent or guardian is on active military service, and leaves the state of Wyoming and whose custodial parent or guardian maintains Wyoming residency, to enroll or continue enrollment in a Department-approved virtual education program(s) provided that the student is able to comply with course-specific participation requirements and participate in all required state and district assessments in adherence with Department regulations, guidance, and instructions.

(j) In the event a student enrolled in a district elects to participate in more than one

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

Section 6. Additional Department Responsibilities.

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

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

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

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

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

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

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

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

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

(g) The Department shall establish and periodically convene a virtual education advisory committee to make recommendations on revisions to this rule, provisions of other administrative rules that have an impact on virtual education, and relevant state statutes. The virtual education advisory committee shall also serve in an advisory capacity to school districts

seeking to improve the delivery of virtual education courses. The committee shall be made up of not less than seven (7) members appointed by the state superintendent from a list of nominees compiled by the Department which shall include representatives from Wyoming school districts and other state agencies involved in the delivery of virtual education. Members shall serve a term of not more than four (4) years. Initial appointments shall provide for staggered terms. Vacancies shall be filled on a rolling basis as needed to maintain the minimum number of members and representation from across the state.

Section 7. Minimum Requirements for Virtual Education Teachers.

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

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

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

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

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

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

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

(i) Student participation rates based on the course-specific participation

requirements approved by the Department, including equivalent attendance;

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

(iii) Internal survey results if available; and,

(iv) Reports required by the Distance Education Grant (DEG) outlined in Section 11 of these rules, to include:

(A) Total program costs;

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

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

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

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

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

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

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

(f) The Department shall:

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

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

(iii) Annually survey the virtual education program providers' administrators,

instructors, and students concerning the quality and effectiveness of programming available through the Wyoming virtual education program;

(iv) Compile Department survey results and data on enrollment and participation;

(v) Provide a summary of virtual education course(s) available through the Wyoming virtual education program; and,

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

Section 9. Average Daily Membership.

(a) Each student participating in virtual education, as defined in course-specific participation requirements approved by the Department, shall be included in the Average Daily Membership of the district in which the student is enrolled in accordance with the Department's Chapter 8 Rules and Regulations for the School Foundation Program.

(b) In accordance with W.S. § 21-13-330(g)(vii), Average Daily Membership shall only count for virtual education programs approved by the Department and received by school districts that are accredited by the State Board.

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

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

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

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

(i) The identification of each district's point-of-contact to include first and last name, position/title, and contact information;

(ii) For each course, the cost to be paid, on a per-course basis and in an amount equal to or less than the ADM amount of the district providing the course prorated to reflect the number of courses provided;

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

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

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

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

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

(B) Required tutoring and/or mentoring services;

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

(D) Academic counseling services;

(E) Library services;

(F) Extracurricular activities; and,3

(G) Special needs requirements.

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

(A) A description of the training required of the district's staff;

(B) Which district staff should attend the training;

(C) How the training will be provided; and,

(D) When the training should be completed.

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

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

(x) A conflict resolution policy; and,

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

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

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

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

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

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

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

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

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

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

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

(iii) Accreditation requirements for virtual education program providers;

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

(v) Other program components necessary for sustainability if funds appropriated to the Department of Education permits.

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

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

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

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

(iii) Total program costs; and,

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

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

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

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

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

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

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

Section 12. Participation.

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

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

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

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

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

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

Section 13. Assessment and Accountability.

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

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

(c) Student performance, accountability, state and district assessment results, and accountability as required by W.S. § 21-2-204 shall be the responsibility of the district in which the student is enrolled.

(d) In the event a student enrolled in a district elects to participate in more than one part-time virtual education programs, and through the combination of such programs receives more than fifty percent (50%) of the required statewide educational program as prescribed by W.S. § 21-9-101 and W.S. § 21-9-103, the district in which the student is enrolled retains the responsibility for administering all required assessments. However, since no virtual education

program provider is providing the student with a full-time virtual education program, student performance on assessments is not required to be disaggregated and reported as part of a virtual education subgroup.

Section 14. Emergency Temporary Virtual Education (Adapted Learning)

(a) Schools may provide Adapted Learning to students in instances of emergency school situations. Adapted Learning is the option for schools to provide virtual instruction to students when their physical schools must be closed due to an emergency. Sections 2 through 13 of this chapter do not apply to Adapted Learning delivery. This section does not apply to existing virtual education programs that otherwise comply with this chapter.

(b) Districts shall create a plan addressing their Adapted Learning delivery of education and submit the plan to the Department. The Department shall evaluate each plan to ensure compliance with the state educational program and approve plans on that basis.

(c) The district shall track participation in Adapted Learning in one or more of the following ways at the district's discretion.

(i) Time a student is active in a course that is logged and recorded by a learning management or comparable system.

(ii) Coursework submissions by a student in a course that is logged and recorded by a learning management or comparable system.

(iii) Specific feature(s) that are logged and recorded by a learning management or comparable system.

(iv) Time a student is actively working on group projects and/or offline work that is logged and recorded by the course teacher.

(v) Academic-based communication between a student and the course teacher or the teacher and parent/guardian logged by the teacher.

(vi) Student participation activities that are logged and recorded by the course teacher.

(vii) Time a student participates in 'real time' class or individual activities with the teacher that is logged and recorded by the course teacher.

(viii) Submission of hard copy coursework through postal mail or in person.

(d) The district shall track and document participation for attendance and keep the documentation on file.

(e) At the secondary level, districts shall complete participation tracking for each course engaged in Adapted Learning at least once per week.

(f) At the primary level, the district shall track participation for each course engaged in Adapted Learning at least once a week. If a district is unable to track participation at the course level, then it shall track primary level participation twice a day.

(g) If a student completes an Adapted Learning course before the end of the semester, no reduction in aggregate membership shall apply pursuant to Chapter 8 School Finance Rules Section 8(d).

(h) School districts with approved virtual education programs that increase enrollment to accommodate Adapted Learning are not required to meet the course approval requirements outlined in Section 3(i) of this chapter for additional classes.

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 and the Wyoming Professional Teaching Standards Board under the authority of W.S. § 21-2-202(a)(xxxix) and W.S. § 21-13-330.

Section 2. Definitions. For purposes of all virtual education courses offered by Wyoming school districts or from which academic credit will be transferred to or accepted by a Wyoming school district the following definitions shall apply:

(a) “Active virtual education course” means any virtual education course offered by an approved full- or part-time virtual education provider;

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

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

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

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

to facilitate the student’s successful participation in virtual education;

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

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

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

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

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

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

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

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

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

(o) “Virtual education” means instruction of one or more Department-approved courses administered primarily through technology outside of the physical classroom, in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and accredited by the State Board under W.S. 21-2-304(a)(ii), and which may be distinguished from other types of courses in that the physical separation of the virtual education teacher and student(s) substantially limits or even prohibits the teacher from providing a preponderance of course instruction in-person;

(p) “Virtual education teacher” means the instructor of a Department-approved virtual education course who, regardless of whether the instructor is an employee of a school district established pursuant to the laws of this state, shall meet the certification or permit

requirements of W.S. § 21-7-303(a). In addition to providing instruction primarily through technology outside of the physical classroom, the teacher shall have duties that generally include facilitating student learning, monitoring student progress, providing and grading assignments, and providing qualitative feedback, all of which can and generally are provided through technology;

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

Section 3. Wyoming Virtual Education Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) A course evaluation narrative that describes:

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

(B) Procedures for course evaluation.

(ii) A student accountability narrative that details:

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

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

(I) A process to verify that the virtual education

course(s) is appropriate to the learning capabilities of the individual student; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Wyoming Virtual Education Program Renewal and Updates.

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

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

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

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

Section 5. Enrolling and Withdrawing Students.

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

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

(c) Any student who elects, with the consent of a parent or legal guardian if required, to participate in a full-time virtual education program offered by a district that is not the district in which the student resides, shall no longer be enrolled in the district in which the student resides. Such district, upon confirming the intention of the student to enroll in a Department-approved full-time virtual education program, shall withdraw the student from the

district, if necessary, and confirm enrollment by the district that is the full-time virtual education provider within not more than ten (10) business days. The full-time virtual education provider shall formally document the student transfer and the request of student records by sending written notification to the district in which the student was previously enrolled. The two districts may enter into an agreement, as described in Section 10 of this rule, for any services or courses that are to be provided to the student by the district in which the student resides.

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

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

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

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

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

(i) A district may allow a student whose custodial parent or guardian is on active military service, and leaves the state of Wyoming and whose custodial parent or guardian maintains Wyoming residency, to enroll or continue enrollment in a Department-approved virtual education program(s) provided that the student is able to comply with course-specific participation requirements and participate in all required state and district assessments in adherence with Department regulations, guidance, and instructions.

(j) In the event a student enrolled in a district elects to participate in more than one

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

Section 6. Additional Department Responsibilities.

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

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

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

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

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

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

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

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

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

(g) The Department shall establish and periodically convene a virtual education advisory committee to make recommendations on revisions to this rule, provisions of other administrative rules that have an impact on virtual education, and relevant state statutes. The virtual education advisory committee shall also serve in an advisory capacity to school districts

seeking to improve the delivery of virtual education courses. The committee shall be made up of not less than seven (7) members appointed by the state superintendent from a list of nominees compiled by the Department which shall include representatives from Wyoming school districts and other state agencies involved in the delivery of virtual education. Members shall serve a term of not more than four (4) years. Initial appointments shall provide for staggered terms. Vacancies shall be filled on a rolling basis as needed to maintain the minimum number of members and representation from across the state.

Section 7. Minimum Requirements for Virtual Education Teachers.

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

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

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

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

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

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

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

(i) Student participation rates based on the course-specific participation

requirements approved by the Department, including equivalent attendance;

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

(iii) Internal survey results if available; and,

(iv) Reports required by the Distance Education Grant (DEG) outlined in Section 11 of these rules, to include:

(A) Total program costs;

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

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

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

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

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

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

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

(f) The Department shall:

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

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

(iii) Annually survey the virtual education program providers' administrators,

instructors, and students concerning the quality and effectiveness of programming available through the Wyoming virtual education program;

(iv) Compile Department survey results and data on enrollment and participation;

(v) Provide a summary of virtual education course(s) available through the Wyoming virtual education program; and,

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

Section 9. Average Daily Membership.

(a) Each student participating in virtual education, as defined in course-specific participation requirements approved by the Department, shall be included in the Average Daily Membership of the district in which the student is enrolled in accordance with the Department's Chapter 8 Rules and Regulations for the School Foundation Program.

(b) In accordance with W.S. § 21-13-330(g)(vii), Average Daily Membership shall only count for virtual education programs approved by the Department and received by school districts that are accredited by the State Board.

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

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

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

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

(i) The identification of each district's point-of-contact to include first and last name, position/title, and contact information;

(ii) For each course, the cost to be paid, on a per-course basis and in an amount equal to or less than the ADM amount of the district providing the course prorated to reflect the number of courses provided;

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

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

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

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

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

(B) Required tutoring and/or mentoring services;

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

(D) Academic counseling services;

(E) Library services;

(F) Extracurricular activities; and,3

(G) Special needs requirements.

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

(A) A description of the training required of the district's staff;

(B) Which district staff should attend the training;

(C) How the training will be provided; and,

(D) When the training should be completed.

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

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

(x) A conflict resolution policy; and,

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

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

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

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

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

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

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

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

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

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

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

(iii) Accreditation requirements for virtual education program providers;

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

(v) Other program components necessary for sustainability if funds appropriated to the Department of Education permits.

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

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

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

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

(iii) Total program costs; and,

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

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

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

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

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

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

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

Section 12. Participation.

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

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

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

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

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

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

Section 13. Assessment and Accountability.

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

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

(c) Student performance, accountability, state and district assessment results, and accountability as required by W.S. § 21-2-204 shall be the responsibility of the district in which the student is enrolled.

(d) In the event a student enrolled in a district elects to participate in more than one part-time virtual education programs, and through the combination of such programs receives more than fifty percent (50%) of the required statewide educational program as prescribed by W.S. § 21-9-101 and W.S. § 21-9-103, the district in which the student is enrolled retains the responsibility for administering all required assessments. However, since no virtual education

program provider is providing the student with a full-time virtual education program, student performance on assessments is not required to be disaggregated and reported as part of a virtual education subgroup.

Section 14. Emergency Temporary Virtual Education (Adapted Learning)

(a) Schools may provide Adapted Learning to students in instances of emergency school situations. Adapted Learning is the option for schools to provide virtual instruction to students when their physical schools must be closed due to an emergency. Sections 2 through 13 of this chapter do not apply to Adapted Learning delivery. This section does not apply to existing virtual education programs that otherwise comply with this chapter.

(b) Districts shall create a plan addressing their Adapted Learning delivery of education and submit the plan to the Department. The Department shall evaluate each plan to ensure compliance with the state educational program and approve plans on that basis.

(c) The district shall track participation in Adapted Learning in one or more of the following ways at the district's discretion.

(i) Time a student is active in a course that is logged and recorded by a learning management or comparable system.

(ii) Coursework submissions by a student in a course that is logged and recorded by a learning management or comparable system.

(iii) Specific feature(s) that are logged and recorded by a learning management or comparable system.

(iv) Time a student is actively working on group projects and/or offline work that is logged and recorded by the course teacher.

(v) Academic-based communication between a student and the course teacher or the teacher and parent/guardian logged by the teacher.

(vi) Student participation activities that are logged and recorded by the course teacher.

(vii) Time a student participates in 'real time' class or individual activities with the teacher that is logged and recorded by the course teacher.

(viii) Submission of hard copy coursework through postal mail or in person.

(d) The district shall track and document participation for attendance and keep the documentation on file.

(e) At the secondary level, districts shall complete participation tracking for each course engaged in Adapted Learning at least once per week.

(f) At the primary level, the district shall track participation for each course engaged in Adapted Learning at least once a week. If a district is unable to track participation at the course level, then it shall track primary level participation twice a day.

(g) If a student completes an Adapted Learning course before the end of the semester, no reduction in aggregate membership shall apply pursuant to Chapter 8 School Finance Rules Section 8(d).

(h) School districts with approved virtual education programs that increase enrollment to accommodate Adapted Learning are not required to meet the course approval requirements outlined in Section 3(i) of this chapter for additional classes.