

SENATE FILE NO. SF0035

Virtual education.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to virtual education provided by public  
2 K-12 schools; modifying definitions; modifying requirements  
3 for the delivery of virtual education; making conforming  
4 amendments; establishing an advisory committee; providing  
5 rulemaking authority; requiring a report; providing an  
6 appropriation; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 21-2-202(a)(xxxi), 21-2-204(h)(ii),  
11 21-2-304(a)(v)(H), 21-4-502(c), 21-13-310(a)(ix) and  
12 21-13-330(f)(i), by creating new paragraphs (v) and (vi),  
13 (g)(intro), (ii) through (vii), by creating a new  
14 subsection (h) and by amending and renumbering (h) as (j)  
15 and (j) as (k) are amended to read:

16

1           **21-2-202. Duties of the state superintendent.**

2

3           (a) In addition to any other duties assigned by law,  
4 the state superintendent shall:

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6                   (xxxi) By rule and regulation and in  
7 consultation with the state board of education and the  
8 Wyoming professional teaching standards board, provide  
9 guidance and oversight of ~~distance~~virtual education by:

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11                           (A) Establishing, approving, facilitating  
12 and monitoring a state network of ~~distance~~virtual  
13 education courses that meet state standards for course  
14 content and delivery by Wyoming certified teachers. The  
15 state superintendent shall annually publish a course  
16 catalog identifying the courses available and the tuition  
17 to be assessed on a per course basis as established by the  
18 school district instructing the course;

19

20                           (B) Providing training and technical  
21 assistance to school districts, including professional  
22 development for teachers and school administrators, for the  
23 delivery of ~~distance~~virtual education. In consultation

1 with the professional teaching standards board, the rules  
2 shall specify minimum professional development requirements  
3 for teachers utilizing virtual education methods to  
4 instruct students;

5  
6 (C) Monitoring the design, content,  
7 delivery and the accreditation of ~~distance~~virtual  
8 education programs provided by school districts under W.S.  
9 21-13-330;

10  
11 (D) Establishing a centralized learning  
12 management system districts may utilize to administer,  
13 document, track, report and deliver virtual education  
14 courses. The centralized learning management system  
15 established pursuant to this subparagraph shall be made  
16 available for the use of all public school districts in the  
17 state. Districts may choose to establish individual or  
18 independent learning management systems. The rules and  
19 regulations shall specify criteria and necessary components  
20 of individual ~~student distance~~school district learning  
21 ~~plans required by W.S. 21-13-330~~management systems;

22

1 (E) Implementing a comprehensive reporting  
2 process as necessary for federal and state funding  
3 requirements and establishing necessary data collection  
4 instruments and systems to monitor and improve distance  
5 virtual education programs statewide. Reporting and data  
6 collection requirements shall, at a minimum, allow for the  
7 disaggregation of assessment data and other measures of  
8 academic performance of students attending full-time  
9 virtual education programs from students physically  
10 attending class in a school facility;

11  
12 (F) Establishing an advisory committee  
13 consisting of not less than seven (7) members. The advisory  
14 committee shall have representatives from among Wyoming  
15 school districts and other state agencies involved in the  
16 delivery of virtual education or providing technological  
17 expertise related to virtual education. The advisory  
18 committee shall recommend modifications to rules, policies,  
19 practices and procedures and serve in an advisory capacity  
20 to school districts to improve the delivery of virtual  
21 education courses across the state.

22

1           **21-2-204. Wyoming Accountability in Education Act;**  
2           **statewide education accountability system created.**

3  
4           (h) Measured performance results obtained and  
5 collected pursuant to this section, together with  
6 subsequent actions responding to results, shall be combined  
7 with other information and measures maintained and acquired  
8 under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H),  
9 21-3-110(a)(xxiv) and otherwise by law, to be used as the  
10 basis of a statewide system for providing periodic and  
11 uniform reporting on the progress of state public education  
12 achievement compared to established targets. The statewide  
13 accountability system shall include a process for  
14 consolidating, coordinating and analyzing existing  
15 performance data and reports for purposes of aligning with  
16 the requirements of this section and for determinations of  
17 student achievement incorporated into the statewide system.  
18 In establishing a reporting system under this subsection,  
19 the department shall describe the performance of each  
20 public school in Wyoming. The performance report shall:

21  
22           (ii) In a manner to maintain student  
23 confidentiality, be disaggregated as appropriate by content

1 level, target level, grade level and appropriate subgroups  
2 of students. For purposes of this paragraph, reported  
3 subgroups of students shall include at minimum,  
4 economically disadvantaged students, English language  
5 learners, identified racial and ethnic groups, ~~and~~ students  
6 with disabilities and full-time virtual education students;

7

8 **21-2-304. Duties of the state board of education.**

9

10 (a) The state board of education shall:

11

12 (v) Through the state superintendent and in  
13 consultation and coordination with local school districts,  
14 implement a statewide assessment system comprised of a  
15 coherent system of measures that when combined, provide a  
16 reliable and valid measure of individual student  
17 achievement for each public school and school district  
18 within the state, and the performance of the state as a  
19 whole. Statewide assessment system components shall be in  
20 accordance with requirements of the statewide education  
21 accountability system pursuant to W.S. 21-2-204.  
22 Improvement of teaching and learning in schools, attaining  
23 student achievement targets for performance indicators

1 established under W.S. 21-2-204 and fostering school  
2 program improvement shall be the primary purposes of  
3 statewide assessment of student performance in Wyoming.  
4 The statewide assessment system shall:

5  
6 (H) Provide a measure of accountability to  
7 enhance learning in Wyoming and in combination with other  
8 measures and information, assist school districts in  
9 determining individual student progress as well as school  
10 level achievement, growth and readiness targets. In  
11 addition to reporting requirements imposed under W.S.  
12 21-2-204, the assessment results shall be reported to  
13 students, parents, schools, school districts and the public  
14 in an accurate, complete and timely manner. For schools  
15 with students enrolled in full-time virtual education  
16 programs, assessment results for students attending  
17 full-time virtual education programs shall be reported in  
18 aggregate form and separate from students physically  
19 attending class in a school facility. Assessment results  
20 shall be used in conjunction with each school district's  
21 assessments to design educational strategies for  
22 improvement and enhancement of student performance required  
23 under W.S. 21-2-204. Assessment results shall also be used

1 to guide actions by the state board and the department in  
2 providing and directing a progressive multi-tiered system  
3 of support, intervention and consequences to districts in  
4 developing school improvement plans in response to student  
5 performance to attain target levels measured and  
6 established under W.S. 21-2-204. In consultation and  
7 coordination with school districts, the board shall subject  
8 to W.S. 21-2-204, review and evaluate the assessment system  
9 regularly and based upon uniform statewide reports,  
10 annually report to the legislature as required under W.S.  
11 21-2-204;

12

13 **21-4-502. Attendance in another district when**  
14 **convenient or desirable; admission of pupils resident in**  
15 **other districts; attendance for ADM computations specified.**

16

17 (c) Any district within the state may allow  
18 ~~nonresident~~ pupils enrolled in another school district in  
19 the state to attend to receive a portion of a pupil's  
20 education pursuant to an agreement with ~~a resident~~ the  
21 district in which the pupil is enrolled. The agreement  
22 shall be in writing with a copy kept on file by both  
23 districts. The ~~resident~~ district providing for the



1 enrollment of the pupil shall include the pupil within its  
2 average daily membership (ADM) for purposes of the  
3 foundation program under W.S. 21-13-309. The ~~nonresident~~  
4 district providing a portion of the pupil's education may  
5 assess the ~~resident~~-district providing for the enrollment  
6 of the pupil tuition for the classes the pupil attends. The  
7 tuition shall be equal to or less than the ~~nonresident~~-per  
8 ADM amount for the district providing a portion of the  
9 pupil's education prorated to reflect the number of classes  
10 attended by the pupil. ~~This subsection shall not apply if a~~  
11 ~~pupil enrolls full-time in a nonresident district pursuant~~  
12 ~~to subsections (a) and (b) of this section.~~

13

14 **21-13-310. Annual computation of district revenues.**

15

16 (a) To ensure revenues available to each district are  
17 uniformly sufficient to enable compliance with the uniform  
18 standards for educational programs prescribed under W.S.  
19 21-9-101 and 21-9-102 and to secure state board  
20 accreditation of educational programs under W.S.  
21 21-2-304(a)(ii), the revenues specified under this  
22 subsection shall be deemed state revenues and shall be  
23 considered in determining the amount to be distributed to

1 each district under W.S. 21-13-311. A district shall make  
2 an annual computation of the following revenues:

3  
4 (ix) The amount of tuition paid to the district  
5 during the previous school year, including any amount  
6 charged under W.S. 21-4-501 and any amount assessed in  
7 excess of the costs incurred for adult education programs,  
8 summer school programs, programs provided under an  
9 agreement for cooperative educational programs under W.S.  
10 21-20-101 through 21-20-111 and any amount assessed for  
11 programs and services for children with disabilities, but  
12 excluding any tuition assessed by a district for the  
13 provision of ~~distance~~virtual education programs to  
14 participating ~~nonresident~~—students pursuant to W.S.  
15 21-13-330, any tuition assessed by a district for the  
16 provision of part-time educational programs to  
17 participating ~~nonresident~~—students pursuant to W.S.  
18 21-4-502(c), any revenues received by a district from post  
19 secondary education option programs provided under W.S.  
20 21-20-201 or for the provision of educational programs to a  
21 nonresident student placed in a juvenile detention facility  
22 pursuant to an agreement with the student's resident school  
23 district;

1

2           **21-13-330. Virtual education; program content;**  
3 **agreements between districts authorized.**

4

5           (f) As used in this section:

6

7           (i) "~~Distance~~ Virtual education" means  
8 instruction primarily through technology outside of the  
9 physical classroom in the statewide educational program  
10 prescribed by W.S. 21-9-101 and 21-9-102 ~~and~~ through a  
11 program accredited by the state board under W.S.  
12 21-2-304(a) (ii) ~~;~~ ~~whereby the teacher and student,~~  
13 ~~physically separated by time or space, are connected by~~  
14 ~~means of a communications source used to provide~~  
15 ~~synchronous or asynchronous instruction;~~

16

17           (v) "Full-time virtual education" means more  
18 than fifty percent (50%) of the required educational  
19 program is provided through virtual education by a school  
20 district established pursuant to the laws of this state;

21

22           (vi) "Part-time virtual education" means fifty  
23 percent (50%) or less of the required educational program

1 is provided through virtual education by a school district  
2 established pursuant to the laws of this state;

3  
4 (g) ~~A resident~~ Pursuant to rule and regulation of the  
5 department, a school district providing ~~distance~~ full-time  
6 virtual education for any student shall:

7  
8 (ii) Enroll and assign the participating student  
9 to a school within the district offering appropriate grade  
10 level instruction; ~~if the student is not physically~~  
11 ~~attending a school within the resident district and the~~  
12 ~~district has not entered into an agreement with a~~  
13 ~~nonresident district pursuant to subsection (h) of this~~  
14 ~~section for that student;~~

15  
16 (iii) Monitor the participating student's  
17 progress ~~as measured by his distance learning plan~~ and in  
18 accordance with the district's assessment policies,  
19 administer or ensure his participation in required student  
20 performance evaluations and assessments at the same  
21 intervals required of other students at the participating  
22 student's grade level;

23

1           (iv) Facilitate necessary instructional support  
2 for the student and notify and assist any student not  
3 performing satisfactorily; ~~or failing to achieve~~  
4 ~~performance benchmarks established within his distance~~  
5 ~~learning plan;~~

6  
7           (v) Maintain the student's records within the  
8 district's permanent student data system including ~~his~~  
9 ~~district learning plan,~~ equivalent attendance as specified  
10 by ~~his plan~~ department rule and regulation, assessment and  
11 other performance evaluation data, immunization and other  
12 information required by the district or by rule and  
13 regulation of the department;

14  
15           (vi) Verify the ~~distance~~ virtual education  
16 program received by the participating student complies with  
17 and fulfills the state education program established by  
18 W.S. 21-9-101 and 21-9-102 and rule and regulation of the  
19 state superintendent under W.S. 21-2-202(a)(xxxi) and that  
20 the program otherwise meets district program standards;

21  
22           (vii) Restrict the student's ~~distance~~ virtual  
23 education to programs approved by the department of

1 education pursuant to W.S. 21-2-202(a)(xxxi) and accredited  
2 by the state board.

3  
4 (h) Pursuant to department rule and regulation, a  
5 school district providing part-time virtual education to  
6 any student enrolled in another school district shall:

7  
8 (i) Complete a tuition agreement with the school  
9 district in which the student is enrolled. The agreement  
10 shall identify the services, classes and the payments to be  
11 provided by the respective school districts. The tuition  
12 shall be paid on a per course basis and shall be equal to  
13 or less than the ADM amount received by the district  
14 providing the part-time virtual education prorated to  
15 reflect the number of virtual education classes attended by  
16 the pupil;

17  
18 (ii) Monitor the participating student's  
19 academic progress in the virtual education courses and  
20 provide any necessary academic information to the school  
21 district in which the student is enrolled as required by  
22 department rule and regulation;

23

1           (iii) Facilitate necessary instructional support  
2 for the virtual education courses taken by the student and  
3 notify and assist any student not performing  
4 satisfactorily;

5  
6           (iv) Maintain the student's record for the  
7 virtual education courses taken by the student and, as  
8 necessary, share educational information with the district  
9 in which the pupil is enrolled;

10  
11           (v) Verify the virtual education program  
12 received by the participating student complies with and  
13 fulfills the state education program established by W.S.  
14 21-9-101 and 21-9-102 and rule and regulation of the state  
15 superintendent under W.S. 21-2-202(a)(xxxi) and that the  
16 program otherwise meets program standards agreed upon by  
17 the district in which the student is enrolled and the  
18 district providing the part-time virtual education;

19  
20           (vi) Restrict the student's virtual education to  
21 programs approved by the department of education pursuant  
22 to W.S. 21-2-202(a)(xxxi) and accredited by the state  
23 board.

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~~(h)(j)~~ Each student participating in ~~distance~~virtual education ~~offered by the school district of residence~~ shall be included within the average daily membership (ADM) of the ~~resident~~ district in which the student is enrolled as computed under the education resource block grant model pursuant to W.S. 21-13-309(m) (iv) ~~., regardless of the origination of the district providing the distance education program for the student. The membership for a distance education student shall be prorated at less than one (1.0) ADM if the number of distance education courses in which enrolled are less than the regularly scheduled courses for that school, but the distance~~ The virtual education program membership may be combined with any ~~nondistance education membership~~ classes physically attended by the student at the school to result in a larger fractional ADM of not to exceed one (1.0) ADM as defined by department rule and regulation. ~~A resident district may through agreement provide for a student to participate full time in distance education offered by a nonresident school district whereby the student is counted among the membership of the nonresident district if the nonresident district complies with the requirements specified in~~



1 ~~subsection (g) of this section and the resident district~~  
2 ~~removes the participating student from its membership for~~  
3 ~~the period of time the student participates full time in~~  
4 ~~the distance education program of the nonresident district.~~

5  
6 ~~(j)~~ (k) The department of education shall by rule and  
7 regulation provide a procedure under which a school  
8 district may allow a student whose custodial parent or  
9 guardian is in active military service and leaves the state  
10 of Wyoming, and whose custodial parent or guardian  
11 maintains Wyoming residency, to participate in distance  
12 virtual education programs offered under this section  
13 provided the district complies with this section to the  
14 extent required by department rule and regulation.

15  
16 **Section 2.** W.S. 21-13-330(f)(ii) through (iv) and  
17 (g)(i) is repealed.

18  
19 **Section 3.** The department of education, shall by rule  
20 and regulation, and in consultation with the virtual  
21 education advisory committee established by W.S.  
22 21-2-202(a)(xxxi)(F) and the data advisory committee  
23 established under W.S. 21-2-203(d), develop a methodology

1 for computing average daily membership for students  
2 participating in virtual education programs. The  
3 methodology shall not be based upon completion of academic  
4 benchmarks, but shall be based upon the portion of the  
5 total required statewide education program established by  
6 W.S. 21-9-101 and 21-9-102 that is represented by the  
7 virtual education program participation.

8  
9 **Section 4.** For the period beginning upon the  
10 effective date of this act and ending June 30, 2018, two  
11 hundred fifty thousand dollars (\$250,000.00) is  
12 appropriated from the school foundation program account to  
13 the department of education to establish the centralized  
14 learning management system required under W.S.  
15 21-2-202(a)(xxxi)(D). Notwithstanding any other provision  
16 of law, the appropriation under this section shall not be  
17 transferred or expended for any other purpose other than  
18 specified in this section. Any unexpended, unobligated  
19 funds remaining from the appropriation under this section  
20 shall revert as provided by law on June 30, 2018. This  
21 appropriation shall not be included in the agency's  
22 2019-2020 standard budget request. Not later than July 1,  
23 2018, the department of education shall report expenditures

1 of amounts appropriated under this section to the joint  
2 education interim committee and the joint appropriations  
3 committee.

4

5 **Section 5.** This act is effective July 1, 2017.

6

7

(END)