

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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

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

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

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

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

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

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

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(B) Providing training and technical assistance to school districts, including professional development for teachers and school administrators, for the delivery of ~~distance~~virtual education. In consultation with the professional teaching standards board, the rules shall specify minimum professional development requirements for teachers utilizing virtual education methods to instruct students;

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

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

(E) Implementing a comprehensive reporting process as necessary for federal and state funding requirements and establishing necessary data collection instruments and systems to monitor and improve ~~distance~~virtual education programs statewide. Reporting and data collection requirements shall, at a minimum, allow for the disaggregation of assessment data and other measures of academic performance of students attending full-time

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

virtual education programs from students physically attending class in a school facility;

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

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

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

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(ii) In a manner to maintain student confidentiality, be disaggregated as appropriate by content level, target level, grade level and appropriate subgroups of students. For purposes of this paragraph, reported subgroups of students shall include at minimum, economically disadvantaged students, English language learners, identified racial and ethnic groups, ~~and~~ students with disabilities and full-time virtual education students;

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

(a) The state board of education shall:

(v) Through the state superintendent and in consultation and coordination with local school districts, implement a statewide assessment system comprised of a coherent system of measures that when combined, provide a reliable and valid measure of individual student achievement for each public school and school district within the state, and the performance of the state as a whole. Statewide assessment system components shall be in accordance with requirements of the statewide education accountability system pursuant to W.S. 21-2-204. Improvement of teaching and learning in schools, attaining student achievement targets for performance indicators established under W.S. 21-2-204 and fostering school program improvement shall be the primary purposes of statewide assessment of student performance in Wyoming. The statewide assessment system shall:

(H) Provide a measure of accountability to enhance learning in Wyoming and in combination with other measures and information, assist school districts in determining individual student progress as well as school level achievement, growth and readiness targets. In

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

addition to reporting requirements imposed under W.S. 21-2-204, the assessment results shall be reported to students, parents, schools, school districts and the public in an accurate, complete and timely manner. For schools with students enrolled in full-time virtual education programs, assessment results for students attending full-time virtual education programs shall be reported in aggregate form and separate from students physically attending class in a school facility. Assessment results shall be used in conjunction with each school district's assessments to design educational strategies for improvement and enhancement of student performance required under W.S. 21-2-204. Assessment results shall also be used to guide actions by the state board and the department in providing and directing a progressive multi-tiered system of support, intervention and consequences to districts in developing school improvement plans in response to student performance to attain target levels measured and established under W.S. 21-2-204. In consultation and coordination with school districts, the board shall subject to W.S. 21-2-204, review and evaluate the assessment system regularly and based upon uniform statewide reports, annually report to the legislature as required under W.S. 21-2-204;

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

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

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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

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

(a) To ensure revenues available to each district are uniformly sufficient to enable compliance with the uniform standards for educational programs prescribed under W.S. 21-9-101 and 21-9-102 and to secure state board accreditation of educational programs under W.S. 21-2-304(a)(ii), the revenues specified under this subsection shall be deemed state revenues and shall be considered in determining the amount to be distributed to each district under W.S. 21-13-311. A district shall make an annual computation of the following revenues:

(ix) The amount of tuition paid to the district during the previous school year, including any amount charged under W.S. 21-4-501 and any amount assessed in excess of the costs incurred for adult education programs, summer school programs, programs provided under an agreement for cooperative educational programs under W.S. 21-20-101 through 21-20-111 and any amount assessed for programs and services for children with disabilities, but

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

excluding any tuition assessed by a district for the provision of ~~distance~~virtual education programs to participating ~~nonresident~~ students pursuant to W.S. 21-13-330, any tuition assessed by a district for the provision of part-time educational programs to participating ~~nonresident~~ students pursuant to W.S. 21-4-502(c), any revenues received by a district from post secondary education option programs provided under W.S. 21-20-201 or for the provision of educational programs to a nonresident student placed in a juvenile detention facility pursuant to an agreement with the student's resident school district;

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

(f) As used in this section:

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

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

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

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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

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

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

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

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

(v) Maintain the student's records within the district's permanent student data system including ~~his district learning plan,~~ equivalent attendance as specified by ~~his plan~~ department rule and regulation, assessment and other performance evaluation data, immunization and other



ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

information required by the district or by rule and regulation of the department;

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

(vii) Restrict the student's ~~distance~~virtual education to programs approved by the department of education pursuant to W.S. 21-2-202(a)(xxxii) and accredited by the state board.

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

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

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

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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

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

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

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

~~(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~~

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

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

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

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

**Section 3.** The department of education, shall by rule and regulation, and in consultation with the virtual education advisory committee established by W.S. 21-2-202(a)(xxxi)(F) and the data advisory committee established under W.S. 21-2-203(d), develop a methodology for computing average daily membership for students

ENROLLED ACT NO. 57, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

participating in virtual education programs. The methodology shall not be based upon completion of academic benchmarks, but shall be based upon the portion of the total required statewide education program established by W.S. 21-9-101 and 21-9-102 that is represented by the virtual education program participation.

**Section 4.** This act is effective July 1, 2017.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk