

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

School finance-distance education.

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to school finance; providing for distance
2 education programs offered by school districts; defining
3 terms; imposing duties on the state superintendent;
4 prescribing necessary program components; including
5 participating student ADM within block grant funding;
6 authorizing agreements between districts; increasing
7 distance learning incentive payments; providing
8 appropriations; authorizing an additional position; and
9 providing for effective dates.

10

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

12

13 **Section 1.** W.S. 21-2-202(a) by creating a new
14 paragraph (xxxi) and 21-13-330 by creating new subsections

1 (a) through (c) and by amending and renumbering (a) through
2 (c) as (e) through (g) and (e) as (h) are amended to read:

3

4 **21-2-202. Duties of the state superintendent.**

5

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

8

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

13

14 (A) Establishing, approving, facilitating
15 and monitoring a state network of distance education
16 courses that meet state standards for course content and
17 delivery by Wyoming certified teachers;

18

19 (B) Providing training and technical
20 assistance to school districts for the delivery of distance
21 education;

22

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

4
 5 (D) Establishing criteria and necessary
 6 components of individual student distance learning plans
 7 required by W.S. 21-13-330;

8
 9 (E) Implementing a comprehensive reporting
 10 process as necessary for federal and state funding
 11 requirements and establishing necessary data collection
 12 instruments and systems to monitor and improve distance
 13 education programs statewide.

14
 15 **21-13-330. Distance education; program content;**
 16 **distance learning plan required; students within ADM of**
 17 **resident district; agreements with districts authorized;**
 18 **distance learning incentive.**

19
 20 (a) As used in this section:

21
 22 (i) "Distance education" means instruction in
 23 the statewide educational program prescribed by W.S.

1 21-9-101 and 21-9-102 and accredited by the state board
2 under W.S. 21-2-304(a)(ii), whereby the teacher and
3 student, physically separated by time or space, are
4 connected by means of a communications source used to
5 provide synchronous or asynchronous instruction;

6
7 (ii) "Distance learning plan" means an agreement
8 between the school district or districts, a student and his
9 parents or guardian outlining the distance education
10 program requested by the student and his parents or
11 guardian, together with expectations and achievable
12 performance benchmarks required for completion of the
13 program in accordance with content and performance
14 standards promulgated by the state board under W.S.
15 21-2-304(a)(iii);

16
17 (iii) "Nonresident district" means the school
18 district in which a participating student does not reside
19 but which employs the distance education program teacher
20 and which sponsors, approves, facilitates and supervises
21 the distance education program course material provided to
22 the participating student;

23

1 (iv) "Resident district" means the school
2 district in which the participating student resides,
3 receives distance education program instruction and where
4 the student's distance education learning plan is filed.

5
6 (b) A resident school district providing distance
7 education for any student shall:

8
9 (i) Complete a distance learning plan for the
10 participating student and ensure the plan is in compliance
11 with criteria established by the department of education;

12
13 (ii) Assign the participating student to a
14 school within the district offering appropriate grade level
15 instruction if the student is not physically attending a
16 school within the resident district and the district has
17 not entered into an agreement with a nonresident district
18 pursuant to subsection (c) of this section for that
19 student;

20
21 (iii) Monitor the participating student's
22 progress as measured by his distance learning plan and in
23 accordance with the district's assessment policies,

1 administer or ensure his participation in required student
2 performance evaluations and assessments at the same
3 intervals required of other students at the participating
4 student's grade level;

5
6 (iv) Facilitate necessary instructional support
7 for the student and notify and assist any student not
8 performing satisfactorily or failing to achieve performance
9 benchmarks established within his distance learning plan;

10
11 (v) Maintain the student's records within the
12 district's permanent student data system including his
13 district learning plan, equivalent attendance as specified
14 by his plan, assessment and other performance evaluation
15 data, immunization and other information required by the
16 district;

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

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

5
6 (c) Each student participating in distance education
7 offered by the school district of residence shall be
8 included within the average daily membership (ADM) of the
9 resident district as computed under the education resource
10 block grant model pursuant to W.S. 21-13-309(m)(iv),
11 regardless of the origination of the district providing the
12 distance education program for the student. The membership
13 for a distance education student shall be prorated at less
14 than one (1.0) ADM if the number of distance education
15 courses in which enrolled are less than the regularly
16 scheduled courses for that school, but the distance
17 education program membership may be combined with any
18 nondistance education membership to result in a larger
19 fractional ADM of not to exceed one (1.0) ADM. A resident
20 district may through agreement provide for a student to
21 participate full time in distance education offered by a
22 nonresident school district whereby the student is counted
23 among the membership of the nonresident district if the

1 nonresident district complies with the requirements
2 specified in subsection (b) of this section and the
3 resident district removes the participating student from
4 its membership for the period of time the student
5 participates full time in the distance education program of
6 the nonresident district.

7
8 ~~(a)(e) Effective for the 1999-2000 school year, and~~
9 ~~each year thereafter~~ In addition to subsection (c) of this
10 section, any school district offering and providing the
11 teacher for any ~~course via distance learning technology~~
12 education course shall receive a payment from the
13 foundation program account of ~~five hundred dollars~~
14 ~~(\$500.00)~~ eight hundred fifty dollars (\$850.00) per student
15 for every student who ~~takes~~ successfully completes the
16 course and who attends school in a district other than the
17 district which employs the teacher. This payment shall be
18 expended by the district for the costs of distance
19 education course development, teacher training and
20 incentives and other costs associated with distance
21 education course delivery, and shall be in addition to the
22 foundation program amount under W.S. 21-13-309(p). ~~The~~
23 ~~number of students shall be determined by counting them as~~

1 ~~of the day after the normal last date for students in their~~
2 ~~home school district to drop a course.~~ In the event there
3 is insufficient money appropriated from the foundation
4 program, the state superintendent shall make a pro rata
5 reduction in the payments to districts for each student.

6
7 ~~(b)~~(f) The University of Wyoming and every community
8 college providing any course via distance learning
9 technology for dual high school and college credit shall
10 receive a payment from the foundation program as provided
11 by subsection ~~(a)~~(e) of this section for every high school
12 student from a high school outside the school district in
13 which the college that employs the instructor ~~primarily~~
14 ~~responsible for the course~~ is located.

15
16 ~~(e)~~(g) If a separate appropriation is made for
17 payments under subsections (e) and (f) of this section, no
18 additional funds shall be made available for such payments.
19 If no separate appropriation is made, the appropriation for
20 schools from the foundation program applies to payments
21 under subsections (e) and (f) of this section.

22

1 ~~(e)~~(h) Classrooms equipped with interactive video
2 equipment purchased pursuant to this ~~act~~section shall be
3 available, when not needed for school purposes, for use for
4 instructional purposes by the University of Wyoming or any
5 Wyoming community college. In the case of conflicting
6 requests for usage, the school district ~~board of trustees~~
7 shall determine the usage. The school ~~districts~~district
8 may charge a fee for this use, but the fee shall not exceed
9 the additional cost incurred by the district to accommodate
10 the use. Such fees received shall not be included in the
11 computation of revenue for the district under W.S.
12 21-13-310.

13

14 **Section 2.** W.S. 21-13-330(d) is repealed.

15

16 **Section 3.**

17

18 (a) Three hundred fifty thousand dollars
19 (\$350,000.00) is appropriated from the public school
20 foundation program account to the department of education
21 that shall be expended only as necessary to augment amounts
22 within the school foundation program account budget for
23 distance education and distance learning incentive payments

1 authorized under this act. This appropriation shall be for
2 the period beginning July 1, 2008, and ending June 30,
3 2010.

4
5 (b) Two hundred seventy-five thousand dollars
6 (\$275,000.00) is appropriated from the public school
7 foundation program account to the department of education
8 that shall be expended only for the implementation and
9 administration of distance education as authorized under
10 W.S. 21-2-202(a)(xxxi) and 21-13-331(a) through (c), as
11 amended under Section 1 of this act, and for an at-will
12 employee position in accordance with W.S.
13 9-2-1022(a)(xi)(F). This appropriation shall be for the
14 period commencing on the effective date of this subsection
15 and ending June 30, 2010.

16

17 **Section 4.**

18

19 (a) Except as provided by subsection (b) of this
20 section, this act is effective July 1, 2008.

21

1 (b) Notwithstanding subsection (a) of this section,
2 Section 3(b) of this act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

6

7

(END)