

ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING DISTANCE LEARNING

August 11, 2003

1.00 REGULATORY AUTHORITY

- 1.01 These rules shall be known as Arkansas Department of Education Rules Governing Distance Learning.
- 1.02 These rules are enacted pursuant to the State Board of Education's authority under Arkansas Code Annotated §§ 6-47-201, 6-47-302, and Act 1192 of 2003.

2.00 PURPOSE

It is the purpose of these rules to set reasonable guidelines for the implementation of the Arkansas Distance Learning Development Project and the operation of distance learning in the public schools of Arkansas. These regulations rules shall replace any existing regulations or guidelines regarding distance learning. These rules do not apply to professional development activities or courses meeting Arkansas Department of Education Rules and Regulations for Concurrent College and High School Credit for Students Who Have Completed the Eighth Grade.

3.00 DEFINITIONS

For the purpose of these rules:

- 3.01 "Adult Facilitator" is the person responsible for supervising and assisting the students at the receiving site. The adult facilitator must be an adult approved by the school district.
- 3.02 "Appropriately Licensed or Approved Instructor" is a teacher either licensed to teach the content of the required course in a public school in Arkansas or approved by the Department to teach the content through distance learning technology.
- 3.03 "Course Curriculum" is the course design including the instructional content, methods, and student assessments.
- 3.04 "Distance Learning" is the technology and educational process used to provide instruction when the student and primary instructor are not physically present at the same time and/or place.
- 3.05 "Elective Course" is a course that is not used to meet the state requirements for graduation or course offerings.
- 3.06 "Offering Institution" is the school or organization providing the distance learning course.
- 3.07 "Primary Instructor" is the instructor responsible for the course design, instruction, and student assessments.

- 3.08 "Receiving Site" is the local school site where the students are receiving distance learning.
- 3.09 "Required Course" is a course offered by distance learning which may be used by a student to meet one of the state mandated graduation requirements or by a school to meet one of the course offerings required by the state.
- 3.10 "Supplemental Instruction" is instruction used to reinforce or enrich a required course or to provide the student an educational opportunity outside of the normal course structure.
- 3.11 "Technology" is the method (usually electronic or by telecommunications) used for providing the student with materials, instruction, assistance, and a way to interact with the teacher(s) and other students.

4.00 REQUIRED COURSES

- 4.01 The Department of Education must approve all required courses originating from an offering institution located outside the State of Arkansas. The courses must be approved either individually or the Department may approve the institution to offer distance learning courses to public schools in Arkansas.
- 4.02 All distance learning courses originating in Arkansas that are used as a required course shall have an appropriately licensed or approved primary instructor.
- 4.03 All distance learning courses that are used as a required course shall have an adult facilitator to supervise any instructional activity where students meet as a group.
- 4.04 All distance learning courses except concurrent credit courses that are used as a required course shall use a curriculum designed to comply with the Arkansas Curriculum Frameworks and Arkansas Course Content Standards.
- 4.05 An adult facilitator must be present when student achievement assessments used to determine a student's final grade are administered in a distance learning required course. The student achievement assessments shall be designed to assess the degree to which the students have mastered the Arkansas Course Content Standards.
 - 4.05.1 Documentation of student achievement assessments shall be maintained at the receiving site school for a minimum of five years after the final grade for the student has been issued. Documentation shall include the assessment questions, student responses, and the grade for each student assessment and grading period.

- 4.05.2 Student achievement assessment documentation shall be available for review by the Department of Education. In the event that the Department review indicates insufficient student achievement or inadequate curriculum alignment with the curriculum frameworks or course content standards, the course may be disapproved by the Department for use beginning the following school year.

5.00 ELECTIVE COURSES

Distance learning elective courses shall not be subject to the restrictive provisions of these regulations. However, teachers must be licensed or approved by the Department and other related Department regulations or standards of accreditation may apply.

6.00 SUPPLEMENTAL INSTRUCTION

All distance learning supplemental instruction shall be considered an enhancement to the teacher's regular instruction and shall not be subject to the restrictive provisions of these regulations.

7.00 CLASS SIZE

- 7.01 The number of students present at the receiving site(s) shall determine class size.
- 7.02 Class size for synchronous distance learning courses shall be the same as for courses not taught by distance learning as specified in the Arkansas Standards for Accreditation. Class size requirements do not apply to asynchronous distance learning instruction.
- 7.03 Student interaction with the primary instructor or an appropriately licensed teacher(s) shall be available at a ratio of no more than 30 students per class and 150 students each day for both synchronous and asynchronous courses.

8.00 ADULT SUPERVISION

These rules provide minimum distance learning educational supervision requirements only and are not designed to replace legal or other student supervision responsibilities schools have to properly protect and supervise students.

9.00 PILOT PROGRAMS

In an effort to facilitate distance learning opportunities for students and teachers, the Information and Technology Section of the Department of Education may approve on a pilot basis distance learning courses for a maximum of two consecutive years. Continuation of the distance learning course after the pilot phase will be dependent on the course meeting all of the regulations governing distance learning courses.

10.0 ARKANSAS DISTANCE LEARNING DEVELOPMENT PROJECT

In order to improve course offerings available to students throughout the state and demonstrate the efficiency of using distance learning to enhance elementary and secondary education there is hereby established the Arkansas Distance Learning Development Project.

10.01 The project shall have four (4) focus areas:

10.01.1 To help alleviate the increasing shortage of available qualified teachers;

10.01.2 To provide additional course scheduling opportunities of students currently forced to choose between courses that are scheduled infrequently or currently;

10.01.3 To provide an opportunity for students to access an enriched curriculum and additional courses beyond those mandated by the Standards for Accreditation of Arkansas Public Schools; and

10.01.4 To develop and make available online professional development and instructional resources for all teachers and administrators.

10.02 The funding necessary to carry out the provisions of this subchapter may be derived from donations, grants, or legislative appropriation.

10.02.1 The project shall receive from the Public School Fund an amount equal to one-sixth (1/6) of the previous year's base local revenue per student for each student enrolled in a course at the secondary level or each subject at the elementary level on July 15 for the current summer or upcoming school year. The funds shall be transferred from the Public School Fund to the designated distance learning fund and appropriation upon verification of student enrollment by the Information and Technology Section .

10.02.2 The director may solicit and receive donations and grants for the purpose of administering the program.

10.02.3 Fund balances may be carried over from one year to the next to continue the project.

10.02.4 The department may enter into contracts or provide grants to local education agencies, education service cooperatives, or other entities for personnel, facilities, and services necessary to implement this project.

10.03 Students taking courses through this project shall be considered entitled to any public education credits and grades assigned through this project and those credits and grades shall be accepted by all public schools in Arkansas.

10.04 The director shall review the implementation of this program annually and make recommendations to the board to ensure that the purpose of the program is achieved.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Education
DIVISION Information & Technology
DIVISION DIRECTOR Jim Boardman
CONTACT PERSON Jim Boardman
ADDRESS #4 Capitol Mall, Little Rock, AR 72201
PHONE NO. 501-371-5005 FAX NO. 501-371-5010 E-MAIL jboardman@arkedu.k12.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? ***Distance Learning***

- 2. What is the subject of the proposed rule? ***To set the guidelines for the implementation of the Arkansas Distance Learning Development Project and the operation of distance learning in the public schools.***

- 3. Is this rule required to comply with federal statute or regulations? Yes _____ No ***XX*** _____
If yes, please provide the federal regulation and/or statute citation.

- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?
Yes _____ No ***XX*** _____
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes _____ No **XX** ____ If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No **XX** ____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes **XX** ____ No _____ If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation. **A.C.A. §§ 6-11-105, 25-15-201 et seq., and Act 1192 of 2003**

7. What is the purpose of this proposed rule? Why is it necessary? **To set reasonable guidelines for the implementation of the Arkansas Distance Learning Development Project and the operation of the distance learning in the public schools of the state.**

8. Will a public hearing be held on this proposed rule? Yes **XX** ____ No _____
If yes, please complete the following:

Date: **June 23, 2003**

Time: **1:00 p.m.**

Place: **Auditorium, Arch Ford Education Building, #4 Capitol Mall, Little Rock, AR 72201**

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) **July 21, 2003**

10. What is the proposed effective date of this proposed rule? (Must provide a date.) **September 2003**

11. Do you expect this rule to be controversial? Yes _____ No **XX** ____
If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

**Arkansas Association Of Educational Administrators -- for
Arkansas Education Association -- for**

Summary of Changes to Distance Learning Rules:

The change to the rule was an amendment to the rule to comply with Act 1192 of 2003. A section(10) was added in order to establish a distance learning development project in order to improve course offerings available to students throughout the state and demonstrate the efficiency of using distance learning to enhance elementary and secondary education.

The project is to have four focus areas:

1. To Alleviate the teacher shortage problem
2. To provide additional course scheduling opportunities
3. To provide an enriched curriculum
4. To develop online professional development and resources.

Minor changes were to delete the words “and regulations” from “rules and regulations” within the document to comply with new law.

FINANCIAL IMPACT STATEMENT

DEPARTMENT Education
DIVISION Information & Technology
PERSON COMPLETING THIS STATEMENT Jim Boardman
TELEPHONE NO. 501-371-5005 FAX NO. 501-371-5010 EMAIL jboardman@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE ***Distance Learning***

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes XX No _____
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.

Current Fiscal Year **

Next Fiscal Year **

\$ \$6.75 per student

\$ \$13.50 per student

5. What is the total estimated cost by fiscal year to the agency to implement this regulation? ***This is not an additional appropriation but a redirection of funds from the existing public school fund.***

Current Fiscal Year

Next Fiscal Year

\$ 3,000,000

\$ 6,000,000

**There will be a financial savings to districts that choose to participate in the program since they will not have to pay a teacher's salary for the courses.

DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: ***Distance Learning***

Summary Description of Regulatory Proposal: ***To set the guidelines for the implementation of the Arkansas Distance Learning Development Project and the operation of distance learning in the public schools.***

Cite Statutory Authority for this Regulatory Proposal: ***A.C.A. §§ 6--11-105, 25-15-201 et seq., and Act 1192 of 2003***

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space. ***There will be no new positions created. The equipment & other expenses will be covered by the revenue produced.***
 - B. Time Required for Implementation. ***30-60 days then continuous***
 - C. Procedural Changes. ***Funds will be transferred to a cash account. Funds may be carried over for the program from year to year. Less dependent on grants for revenue source and services.***
 - D. Other.

- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space. ***None if they choose not to participate -- adult supervisor, equipment and classrooms if they participate.***
 - B. Time Required for Implementation. ***None.***
 - C. Procedural Changes. ***Will not have to send payment for services.***
 - D. Other.

- III. Additional Comments.
This program will be self-sufficient based on the revenue generated from the student enrollments. The schools participating will save money based on previous teach salaries.

Prepared by: (Name) ***Jim Boardman***
(Title) ***Assistant Director, Information & Technolgy***
(Date) ***June 12, 2003***