

WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

2002 AUG 12 P 3:08

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article XII, § 2; W.Va. Code §18-2-5 and §18-2E-9

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§ 29A-3B-1, et seq.; W.Va. Board of Education  
v. Hechler, 180 W.Va. 451; 376 S.E.2d 839 (1988).

AMENDMENT TO AN EXISTING RULE: YES X NO \_\_\_\_\_

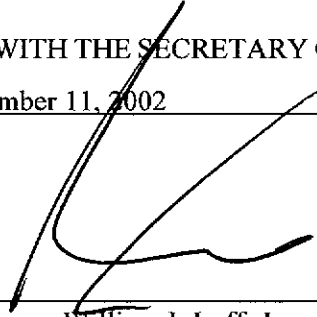
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 48

TITLE OF RULE BEING AMENDED: Distance Learning and the West Virginia  
Virtual School (2450)

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 11, 2002

  
William J. Luff, Jr.

Deputy State Superintendent of Schools

SCANNED

**EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION**

**POLICY 2450  
DISTANCE LEARNING and the WEST VIRGINIA VIRTUAL SCHOOL**

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Background:

Policy 2450 addresses the West Virginia Virtual School legislation passed on March 11, 2000, effective July 1, 2000.

Proposed Changes:

Updates to Policy 2450 are based on HB4319 legislative changes passed on March 6, 2002.

Comments:

No comments were received.

126CSR48

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

FILED

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SERIES 48  
Distance Learning and the West Virginia Virtual School (2450)  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§126-48-1. General.**

1.1. Scope. - - Establishes requirements for distance, online, and technology-delivered learning programs, including student needs, course content, teacher/facilitator guidelines, virtual classes, funding, and management at the state, county and school levels.

1.2. Authority. - - West Virginia Constitution, Article XII, §2; West Virginia Code §18-2-5 and §18-2E-9.

1.3. Filing Date. - - August 12, 2002.

1.4. Effective Date. - - September 11, 2002.

1.5. This is a revision of 126CSR48, West Virginia Board of Education Policy 2450, filed September 18, 2000 and effective October 18, 2000.

**§126-48-2. Purpose.**

2.1. The purpose of this policy is to assure consistent high quality education for the students of West Virginia while utilizing technology-delivered courses. In order for a student to receive credit for a technology-delivered course, he/she must be a student enrolled in a West Virginia public school.

**§126-48-3. Course Approval.**

3.1. Distance, online or virtual learning courses offered for public school credit shall be approved by the West Virginia Department of Education (WVDE). In order to register the technology-delivered learning courses for credit, providers shall submit an online registration form to WVDE for approval. In order for students to receive distance learning courses for credit, a county superintendent or designee shall verify that courses and providers are WVDE approved.

3.2. Distance learning courses may be approved when curriculum content cannot be delivered because there is a shortage of certified personnel, a need to provide

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low-incidence courses, a need to offer a course while the teacher/facilitator renews course-related skills, or any other validated student need to access technology-delivered courses.

3.3. Distance learning course content will be reviewed for correlation with the West Virginia Board of Education content standards and objectives (CSOs). Copies of the CSOs and instructional policies may be found on the WVDE web page at <http://wvde.state.wv.us>.

3.4. The quality courses approved by the West Virginia Virtual School will be aligned with the CSOs and include appropriate course materials. These materials are exempt from the mandatory primary source materials listed on the state multiple list.

3.5. Providers will adhere to the state and federal privacy regulations regarding students.

3.6. In an alternative education setting, distance learning shall in no case be a student's only source of instruction. Provisions of 126CSR20, West Virginia Board of Education Policy 2418: Regulations for Alternative Education Programs for Disruptive Students shall be adhered to including, but not limited to, the provision of behavioral components in addition to academic course work.

### **§126-48-4. Management.**

4.1. Course facilitators located in West Virginia schools may be required to hold specific certification/qualifications based upon provider guidelines that may vary from course to course.

4.2. The distance learning course facilitator shall receive inservice training or technology-delivered instructions pertaining to the course organization, classroom management, technical aspects, monitoring of student testing, and securing other student services as needed.

4.3. The county superintendent shall designate a distance learning contact at the school level to ensure virtual class information is provided to students and parents, any necessary affiliation agreements with the course provider are secured, the course facilitator has been identified, and complete other duties as necessary to provide student access.

4.4. If a course is to be produced and delivered from within West Virginia, the West Virginia Virtual Course Production guidelines and procedures must be followed as outlined.

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### **§126-48-5. Evaluation of Pupil Progress.**

5.1. The local education agency is responsible for establishing specific uniform procedures for evaluating pupil progress and administering a final grade based upon provider guidelines and county policy.

5.2. Evaluations of the success of the virtual program must be documented to provide any continued funding requests.

### **§126-48-6. Technology Access.**

6.1. With the statewide technology installations in public schools, students should have access to virtual courses at school.

6.2. When available, student access may be authorized at other equipped locations such as public libraries, community learning centers and homes.

6.3. The school distance learning coordinator will be responsible for assisting students in finding solutions for access.

### **§126-48-7. Funding.**

7.1. Funding for distance learning courses and associated materials may be provided through the school system instructional budgets or grant awards.

7.2. Parents will be responsible for distance learning costs if the selected course is currently being offered at the school and there is no justifiable reason to duplicate the school course.

### **§126-48-8. Guidelines and Procedures.**

8.1. To accommodate rapidly changing options for virtual classes and distance learning, guidelines and procedures will be developed to review operational issues in a timely manner and will include legislation components.

8.2. Whenever necessary to provide appropriate virtual classes and distance learning, the waiver process will be utilized.

### **§126-48-9. Severability.**

9.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

**FISCAL NOTE WORKSHEET**  
(Submit 4 Copies)

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO SB584 RESOLUTION NO \_\_\_\_\_

SUBJECT Virtual Distance Learning Policy 2450 FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST OF ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$	\$	\$
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ -0-	\$ -0-	\$ -0-	\$	\$

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

DATE

*Styer*

AGENCY

West Virginia Department of Education

AUTHORIZED REPRESENTATIVE

*[Signature]*