

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In this Box

FILED  
1989 JUL 19 AM 9:03  
OFFICE OF 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: 18-2-5

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

EXEMPT LEGISLATIVE RULE \_\_\_\_\_  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
\_\_\_\_\_

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

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 48 (Policy #2450)

TITLE OF RULE BEING ADOPTED: Distance Learning Programs

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS August 30, 1989

*Buchanan L. Estep*

July 18, 1989

Executive Summary  
Proposed Policy 2450, Distance Learning Programs  
1988-89

PURPOSE

The purpose of this policy is to assure consistent high quality education for the pupils of West Virginia while utilizing an alternative delivery mechanism for instruction in rural areas and/or for low-incidence courses.

BACKGROUND

This policy has been on public comment since May. The attached version has been revised based upon comments received since that time. Comments were basically supportive of this policy.

S. B. 14 provides for the further development of distance learning programs to be delivered on a state and regionally designed basis, thus permitting more participation in this mechanism for delivery of instruction.

Based upon the extensive revisions made on this policy after the original comment period, it was decided that this proposed policy should be placed on public comment again. This has allowed an opportunity to review the policy in its revised form.

IMPACT

This policy establishes requirements for distance learning programs, including course content, facilitator training and licensure, instructor licensure, enrollment limits, and textbook utilization; and requires grading of pupil progress according to specific procedures adopted by county boards of education.

INSTRUCTIONAL:

Improved educational opportunities for the pupils of our state, accompanied by regulations to ensure high quality instruction, will be the result of this policy.

ADMINISTRATION:

Required by this policy would be a "Distance Learning Instruction Notification Form" and a county policy for the evaluation of pupil progress.

FINANCIAL:

There would be no direct financial impact as a result of this policy.

STAFF DEVELOPMENT:

Facilitators of student instruction would be required to complete training pertaining to course organization, classroom management, and technical aspects.

TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
CHAPTER 18-2  
SERIES 48 (2450)

FILED  
1989 JUL 19 AM 9:04  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

TITLE: Distance Learning Programs

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Section 1. General

- 1.1 Scope - Establishes requirements for distance learning programs, including course content, teacher/facilitator training and licensure, instructor licensure, enrollment limits, and textbook utilization; requires grading of pupil progress according to specific procedures adopted by county boards of education.
- 1.2 Authority - 18-2-5
- 1.3 Filing Date - July 18, 1989
- 1.4 Effective Date August 30, 1989

Section 2. Purpose

The purpose of this policy is to assure consistent high quality education for the pupils of West Virginia while utilizing an alternative delivery mechanism for instruction in rural areas and/or for low-incidence courses.

Section 3. Course Delivery

- 3.1 Distance learning courses offered for credit shall be approved by the West Virginia Department of Education. In order to deliver distance learning courses for credit, providers shall complete a "Distance Learning Provider Application Form" to the West Virginia Department of Education for approval. In order to offer distance learning courses for credit, a county superintendent or designee shall verify that course providers are WVDE approved and submit a "Distance Learning Instruction Notification Form" to the West Virginia Department of Education.
- 3.2 Distance learning courses may be offered when curriculum content cannot be delivered because there is a shortage of certified personnel, a need to provide low-incidence courses, or a need to offer a course while the teacher/facilitator renews course-related skills.

- 3.3 Distance learning course content will correlate with courses requiring West Virginia Board of Education approved learning outcomes where such exist. Copies of the learning outcomes will be submitted by the West Virginia Department of Education to providers submitting a "Distance Learning Provider Application Form."
- 3.4 Each participating school shall follow a course outline and a live and interactive program schedule. This regulation will not exclude a school from taping and using sessions at a later date for review or make-up purposes.

#### Section 4 Licensure and Training

- 4.1 Classroom facilitators may be required to hold specific certification/qualification based upon provider guidelines.
- 4.2 The distance learning classroom facilitator shall receive inservice training pertaining to the course organization, classroom management, and technical aspects.

#### Section 5 Enrollment

- 5.1 Enrollment in distance learning courses shall not exceed twenty-five pupils per class in grades 7-12.
- 5.2 Enrollment in distance learning courses for Grades K-12 shall not exceed maximum pupil/teacher ratio established in West Virginia Code 18-5-18a except in extraordinary circumstances as noted below.
- 5.3 Exceptions for "extraordinary circumstances" to enrollment limitations beyond the pupil/teacher ratio then in effect for the grade level in which a distance learning course is to be delivered must be submitted in writing to the West Virginia Superintendent of Schools.

"Extraordinary circumstances" are hereby defined as situations which place unreasonable burdens or hardships on a county board of education. "Extraordinary circumstances" include, but are not limited to, situations where:

- A. Pupils have been assigned to a distance learning class and there is an unexpected increase in pupil population which causes class enrollment to exceed the recommended ratio.

W. VA. Board of Education  
Legislative Rule, 18-2  
Series 48 (2450)

B. Pupils would not have access to the course due to lack of certified personnel.

C. Other catastrophic events occur which are beyond the power of the local board to control such as fire, flood, or other damage to existing classroom space or facilities.

Section 6 Course Materials

6.1 Distance learning courses which are required for graduation shall utilize textbooks selected from the West Virginia approved list of textbooks. Exceptions shall be made based upon state textbook policy.

6.2 Supplementary materials, as stipulated by the distance learning provider, including specifically designed software and/or printed matter, shall be provided in the distance learning course curriculum to be used for review, drill, practice, and/or homework.

Section 7 Evaluation of Pupil Progress

7.1 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.

MJM/csm/1700v ..



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(Plus all the volunteer  
help we can get)

STATE OF WEST VIRGINIA  
SECRETARY OF STATE  
Charleston 25305

TO: Barbara Estep

AGENCY: Bd. of Education

FROM: JUDY COOPER, DIRECTOR ADMINISTRATIVE LAW DIVISION

DATE: January 17, 1991

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 48 TITLE Distance Learning Programs (2450)

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

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

FILED  
1991 JAN 30 AM 8:50  
OFFICE OF THE SECRETARY OF STATE

✓ \* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Barbara L Estep

TITLE OF PERSON SIGNING: Sec. 6 State Board of Ed.

DATE: Jan 25, 1991