

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

SEP 18 2 52 PM '00

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: W.Va. Constitution, Article XII, §2, W.Va. Code §18-2-5

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 XX NO ___

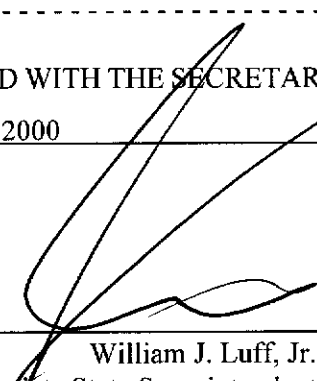
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 48

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 October 18, 2000



William J. Luff, Jr.
Associate State Superintendent of Schools

5.40

**TITLE 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION**

**SERIES 48
Distance Learning and the West Virginia Virtual School (2450)**

§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; §18-2E-9

1.3 Filing Date--September 18, 2000.

1.4 Effective Date--October 18, 2000.

1.5 This is a revision of Policy 2450.

§126-48-2. Purpose.

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. In order to register the technology-delivered learning courses for credit, providers shall submit an online registration form to the West Virginia Department of Education 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 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.

126CSR48

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

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

3.5 In an alternative education setting, distance learning shall in no case be a student's only source of instruction. Provisions of State Board 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.

§126-48-5. Course Materials.

5.1 Students who take distance learning courses which are required for graduation shall utilize instructional materials from the West Virginia approved adoption list. Exceptions shall be made based upon instructional materials adoption policy or through the waiver procedure.

5.2 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 various instructional practices.

126CSR48

§126-48-6. Evaluation of Pupil Progress.

6.1 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.

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

§126-48-7. Technology Access.

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

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

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

§126-48-8. Funding.

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

8.2 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.

§126-48-9. Guidelines and Procedures.

9.1 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.

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

FISCAL NOTE WORKSHEET (Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO SB584 RESOLUTION NO _____

SUBJECT Virtual Distance Learning 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

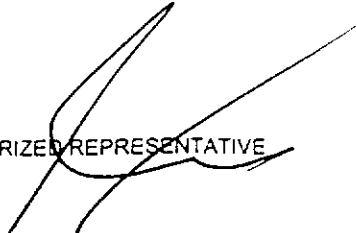
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ - 0 -	\$ - 0 -	\$ To be determined	\$ *	\$ *
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER			\$ 89,000	\$ *	\$ *
2. ESTIMATED TOTAL REVENUES	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$ *	\$ *

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

*The costs for virtual distance learning depend on a number of factors including the student need for specific courses, the options for local funding and the possibility of state course production.

DATE 7/5/80

AGENCY
West Virginia Department of Education

AUTHORIZED REPRESENTATIVE


**EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION**

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

Background:

Policy 2450 was initially passed in 1989 to address traditional distance learning programs. Changes are being proposed to (1) incorporate virtual, online and other technology-delivered distance learning options; and (2) address SB584, West Virginia Virtual School legislation passed March 11, 2000, effective July 1, 2000.

Proposed Changes:

Changes and updates to Policy 2450 are based on:

1. the recommendations of the review committee;
2. documentation from the Southern Regional Education Board (SREB);
3. the guideline and procedures recommendations developed by the 52 West Virginia teachers who participated in the 1999 Curriculum Technology Resource Center (CTRC) *Going the Distance* seminar; and
4. the discussion session regarding virtual schooling held with the State Board of Education on June 8, 2000.

Comments Received:

The comment period ended on August 25, 2000, and comments were received from four people. The comments did result in changes relating to (1) the use of the word "virtual" and (2) clarification of instructional materials (textbook) adoption utilization. These are noted with underlines and strikeouts.

POLICY 2450: VIRTUAL DISTANCE LEARNING

Comments/Suggestions

Please use this form to comment about proposed Policy 2450. Additional sheets may be attached if needed.

Individual/Organization: Carol McHall

Position: _____

Name of County, School, Business, etc: Mountain Messenger Newspaper

Street Address: Rt. 2 Box 230A

City/State/Zip: Leasburg WV 24901

E-mail: _____

**Comments/Suggestions
Policy 2450**

Section 1--General *This seems to be a well-thought
out policy which will be of great service
to many students in the state*

Section 2--Purpose Carol Hall

Section 3--Course Approval

FISCAL NOTE WORKSHEET
(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO SB584 RESOLUTION NO _____

SUBJECT Virtual Distance Learning 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

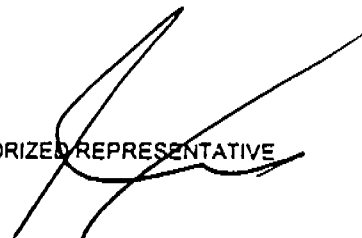
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ - 0 -	\$ - 0 -	\$To be determined	\$.	\$.
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$ 89,000	\$.	\$.
2. ESTIMATED TOTAL REVENUES	\$ - 0 -	\$ - 0 -	\$ - 0 -	\$.	\$.

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

*The costs for virtual distance learning depend on a number of factors including the student need for specific courses, the options for local funding and the possibility of state course production.

DATE 7/5/80

AGENCY
West Virginia Department of Education

AUTHORIZED REPRESENTATIVE


Brenda Williams

From: Steve McBride [smcbride@access.k12.wv.us]
Sent: Wednesday, August 23, 2000 7:29 PM
To: brendaw@access.k12.wv.us
Cc: Deborah Brown; William Luff; pbarnhar@access.k12.wv.us; cfizer@access.k12.wv.us;
brjones@access.k12.wv.us
Subject: Policy 2450 - Comments

Brenda, the attached Microsoft Word file contains revised/updated comments on Policy 2450. Please substitute these comments for those I had provided for you last week regarding Policy 2450 and ensure they are included in the comment log.

As you have recently indicated a problem with your e-mail, I am sending copy to Cindy Fizer to ensure you do receive a copy before the August 25th deadline.

Thank you.

Steve

Section	Comment
General	<p>West Virginia State Code 18-2A-8 states “No textbook, instructional materials, or learning technologies shall be used in any public elementary or secondary school in West Virginia as the primary source to deliver the instructional goals and objectives for state required courses unless it has been approved and listed on the state multiple list by the state board of education,” unless waivers have been approved. West Virginia State Code 18-2A-2 states “the state board of education, shall establish a committee of teachers and other educational specialist and with the aid of said committee, shall ... select, approve, and publish a list of items in each subject and grade in the elementary and secondary subjects required to be taught by said board”.</p> <p>The Policy 2450 would be in conflict with State Code 18-2A. Sections of Policy 2450 that are in conflict include 1.1, 3.1, and 5.1. The approval of any primary source instructional materials used in any virtual distance-learning course, that is required to be offered, should be the responsibility of the Instructional Materials Adoption Review Committee (IMRC), unless waivers are approved.</p> <p>Virtual distance learning courses developed by vendors or created by West Virginia educators will blend the delivery of instruction with instructional materials into a packaged program. State Code 18-2A is relative to these courses and should be incorporated into the approval process.</p> <p>West Virginia teachers are an essential part of writing instructional goals and objectives for state and county courses, they are involved in major curriculum and instruction initiatives (Projects CATS, MERIT, Reading for All, Instructional Materials Adoption, etc.) they should be included in the approval process for virtual courses and referenced within Policy 2450.</p>
1.1	Requirements for instructional materials have been established in State Code 18-2A and Policy 2445 and should not be reestablished within this Policy 2450.
2	The reference in Section 2 to “technology delivered learning instruction” broadens the scope of this policy beyond Virtual Distance Learning. As this now reads, it would encompass the use of any form of technology delivered instruction including computers, multimedia projectors, graphing calculators, etc. This should be changed to read, “while utilizing Virtual Distance Learning programs/courses as part of the Virtual High School project.”
3.1	County school systems may now offer county electives with the approval of the instructional goals and objectives by the local County Board of Education. Policy 2510 states “Elective offerings not based on the West Virginia Board of Education Instructional Goals and Objectives must have written goals and objectives approved by the County Board of Education.” Approval of county electives by the West Virginia Department of Education is not referenced in Policy 2510. Section 3.1 of Policy 2450 requires West

3.1 (cont.)	Virginia Department of Education approval of not only the instructional goals and objectives but for the entire course, the provider, the instructor, and any other aspect of the course. This would be detrimental to local control and counter productive to the goals and efforts of all local education agencies, associated committees and stakeholders.
3.3	Instructional goals and objectives for county electives are developed and maintained by the county and approved by the County Board of Education. Section 3.3 should include a reference to these elective offerings. Teachers should be included in the course approval process and referenced in this section of the policy.
4.4	It is essential to have a copy of the “West Virginia Virtual Course Production” guidelines and procedures to understand the impact of Section 4.4 of this policy. It is impossible to intelligently comment on this section of the policy without the guidelines.
5.1	<p>West Virginia State Code 18-2A-8 states “No textbook, instructional materials, or learning technologies shall be used in any public elementary or secondary school in West Virginia as the primary source to deliver the instructional goals and objectives for state required courses unless it has been approved and listed on the state multiple list by the state board of education,” unless waivers have been approved. West Virginia State Code 18-2A-2 states “the state board of education, shall establish a committee of teachers and other educational specialist and with the aid of said committee, shall ... select, approve, and publish a list of items in each subject and grade in the elementary and secondary subjects required to be taught by said board”. The “state required courses” in 18-2A-8 should be interpreted as courses that are “required to be offered” not just required for graduation as now stated in Policy 2540. The “required for graduation” language should be changed to “courses required to be offered.”</p> <p>The intent of State Code 18-2A-8 is not that students “have availability to” these approved materials as stated in Policy 2450. The intent is that these materials are used as the primary source of instruction, as stated in the code. Section 5.1 should be re-written to accurately reflect state law.</p>

Brenda Williams

From: Tim Miller [tmiller@wvmat.com]

Sent: Sunday, July 30, 2000 7:29 PM

To: brendaw@access.k12.wv.us

Subject: Virtual Distance Learning

Re: Proposed policy change.

My only comment is that I am of the opinion that the word "virtual" is being improperly used.

In this policy, the word "virtual" seems to be (improperly) used as a synonym for "computer," e.g.....

Virtual Distance Learning
virtual and technology-delivered learning programs,
virtual learning courses
virtual learning information
West Virginia Virtual Course Production
virtual courses
virtual distance learning

"Virtual" as an adjective still means

" being such in essence or effect though not formally recognized or admitted <a *virtual* dictator>"

The word "virtual" has become widely connected to computer technology.

"Virtual reality" means "not really reality, but something so close to real via computer technology, that it may pass for reality." "...an artificial environment which is experienced through sensory stimuli (as sights and sounds) provided by a computer and in which one's actions partially determine what happens in the environment."

We could correctly speak of the "virtual classroom" -- i.e., not really a classroom, but an artificial classroom made possible by computer technology.

Similarly, we correctly speak of the "virtual neighborhood," "virtual family," etc.

However, "virtual learning" is a misnomer, as it is in fact real learning which is (or should be) taking place. This real learning may be taking place in the "virtual classroom" (i.e., via computer), but it is nevertheless real learning (one would hope) rather than virtual learning.

Timothy C. Miller, M.D.

Member, Preston Co Board of Education

Brenda Williams

From: dgoodwin [dgoodwin@1st.net]
Sent: Friday, August 11, 2000 12:07 PM
To: brendaw@access.k12.wv.us
Subject: Policy 2450

Hi, Brenda. Being a member of the Advisory Committee for textbook adoption, I had a couple of questions related to Policy 2450.

section 3.3 Who will review the course content for correlation to the appropriate IGO's?

section 5.1 Who will decide what instructional materials will be made available? I assume it will be by the State Textbook Adoption Committee.

section 5.2 Who will review the materials for supplementary consideration that are indicatd by the provider?

Thanks, Brenda. Bye for now. Dave

Policy 2450: Series 48 - Distance Learning and the West Virginia Virtual School

COMMENT LOG

Comment Period Ended August 25, 2000

Date	Individual / Organization	Comments
§126-48-1. General		
7-31-00	Carol M. Hall/Mountain Messenger Newspaper	This seems to be a well-thought out policy which will be of great service to many students in the state.
7-30-00	Tim C. Miller, M.D./Member, Preston Co. Board of Education	My only comment is that I am of the opinion that the word "virtual" is being improperly used.
8-23-00	Steve McBride/WWDE	<p>West Virginia State Code 18-2A-8 states "No textbook, instructional materials, or learning technologies shall be used in any public elementary or secondary school in West Virginia as the primary source to deliver the instructional goals and objectives for state required courses unless it has been approved and listed on the state multiple list by the state board of education," unless waivers have been approved. West Virginia State Code 18-2A-2 states "the state board of education, shall establish a committee of teachers and other educational specialist and with the aid of said committee, shall...select, approve, and publish a list of items in each subject and grade in the elementary and secondary subjects required to be taught by said board."</p> <p>The Policy 2450 would be in conflict with State Code 18-2-A. Sections of Policy 2450 that are in conflict include 1.1, 3.1, and 5.1. The approval of any primary source instructional materials used in any virtual distance learning course, that is required to be offered, should be the responsibility of the Instructional Materials Adoption Review Committee (IMRC), unless waivers are approved.</p> <p>Virtual distance learning courses developed by vendors or created by West Virginia educators will blend the delivery of instruction with instructional materials into a packaged program. State Code 18-2-A is relative to these courses and should be incorporated into the approval process.</p> <p>West Virginia teachers are an essential part of writing instructional goals and objectives for state and county courses, they are involved in major curriculum and instruction initiatives (Projects CATS, MERIT, Reading for All, Instructional Materials Adoption, etc.) They should be included in the approval process for virtual courses and referenced within Policy 2450.</p> <p>Requirements for instructional materials have been established in State Code 18-2A and Policy 2445 and should not be reestablished within this Policy 2450.</p>

Date	Individual / Organization	Comments
§126-48-2. Purpose		
8-23-00	Steve McBride/WVDE	The reference in Section 2 to "technology delivered learning instruction" broadens the scope of this policy beyond Virtual Distance Learning. As this now reads, it would encompass the use of any form of technology delivered instruction including computers, multimedia projectors, graphing calculators, etc. This should be changed to read, "while utilizing Virtual Distance Learning programs/courses."
§126-48-3. Course Approval		
8-11-00	Dave Goodwin	Who will review the course content for correlation to the appropriate IGO's?
8-23-00	Steve McBride/WVDE	<p>County school systems may now offer county electives with the approval of the instructional goals and objectives by the local County Board of Education. Policy 2510 states "Elective offerings not based on the West Virginia Board of Education Instructional Goals and Objectives must have written goals and objectives approved by the County Board of Education." Approval of county electives by the West Virginia Department of Education is not referenced in Policy 2510. Section 3.1 of Policy 2450 requires West Virginia Department of Education approval of not only the instructional goals and objectives but for the entire course, the provider, the instructor, and any other aspect of the course. This would be detrimental to local control and counter productive to the goals and efforts of all local education agencies, associated committees and stakeholders.</p> <p>Instructional goals and objectives for county electives are developed and maintained by the county and approved by the County Board of Education. Section 3.3 should include reference to these elective offerings. Teachers should be included in the course approval process and referenced in this section of the policy.</p>
§126-48-4. Management		
8-23-00	Steve McBride/WVDE	It is essential to have a copy of the "West Virginia Virtual Course Production" guidelines and procedures to understand the impact of Section 4.4 of this policy. It is impossible to intelligently comment on this section of the policy with the guidelines.

Date	Individual / Organization	Comments
§126-48-5. Course Materials		
8-11-00	Dave Goodwin	<p>Who will decide what instructional materials will be made available? I assume it will be by the State Textbook Adoption Committee.</p> <p>Who will review the materials for supplementary consideration that are indicated by the provider?</p>
8-23-00	Steve McBride/WVDE	<p>West Virginia State Code 18-2A-8 states "No textbook, instructional materials, or learning technologies shall be used in any public elementary or secondary school in West Virginia as the primary source to deliver the instructional goals and objectives for state required courses unless it has been approved and listed on the state multiple list by the state board of education, " unless waivers have been approved. West Virginia State Code 18-2A-2 states "the state board of education, shall establish a committee of teachers and other educational specialist and with the aide of said committee, shall...select, approve, and publish a list of items in each subject and grade in the elementary and secondary subjects required to be taught by said board". The "state required courses" in 18-2A-8 should be interpreted as courses that are "required to be offered" not just required for graduation as now stated in Policy 2540. The "required for graduation" language should be changed to "courses required to be offered."</p> <p>The intent of State Code 18-2A-8 is not that students "have availability to" these approved materials as stated in Policy 2450. The intent is that these materials are used as the primary source of instruction, as stated in the code, Section 5.1 should be re-written to accurately reflect state law.</p>

POLICY 2450: VIRTUAL DISTANCE LEARNING

Comments/Suggestions

Please use this form to comment about proposed Policy 2450. Additional sheets may be attached if needed.

Individual/Organization: _____

Position: _____

Name of County, School, Business, etc: _____

Street Address: _____

City/State/Zip: _____

E-mail: _____

**Comments/Suggestions
Policy 2450**

Section 1--General

Section 2--Purpose

Section 3--Course Approval

Section 4--Management

Section 5--Course Materials

Section 6--Evaluation of Pupil Progress

Section 7--Technology Access

Section 8--Funding

Section 9--Guidelines and Procedures

Please return by August 25, 2000 to:

Brenda Williams, Executive Director
Office of Technology and Information Systems
West Virginia Department of Education
1900 Kanawha Blvd East
Building 6, Room 346
Charleston, WV 25305-0330
Fax: 304-558-2584
E-mail--brendaw@access.k12.wv.us