

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING DISTANCE LEARNING  
July 11, 2005**

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 2325 of 2005.*

2.00 PURPOSE

It is the purpose of these rules to set reasonable guidelines for the implementation of the Arkansas Distance Learning Development Program, the Public School District and Charter School Distance Learning Program and the operation of distance learning in the public schools of Arkansas. These rules shall replace any existing rules regarding distance learning. These rules do not apply to professional development activities.

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 "Asynchronous" is a distance-learning technology where the student is not receiving live or real time instruction from a teacher and typically utilizes the Internet.
- 3.03 "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 Commissioner of the Arkansas Department of Education to teach the content through distance learning-technology. The intent of the approval process is to provide flexibility for the approval of teachers of programs originating from outside Arkansas, exceptionally qualified individuals within the state who may not meet licensure requirements, or teachers of courses that do not have an appropriate licensure requirement.
- 3.04 "Course Curriculum" is the course design including the instructional content, methods, and student assessments.

- 3.05 "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.
- 3.06 "Distance-Learning Course" is a course that is made available by using distance-learning technology.
- 3.07 "Offering Institution" is the school or organization providing the distance-learning course.
- 3.08 "Primary Instructor" is an individual responsible for the course design, instruction, or student assessments.
- 3.09 "Receiving Site" is the local site where the students are receiving distance learning.
- 3.10 "Supplemental Instruction" is instruction used to reinforce or enrich a course or to provide the student an educational opportunity outside of the normal course structure.
- 3.11 "Synchronous" is a distance learning-technology where the student is receiving live or real-time instruction from a teacher and typically utilizes compressed interactive video.
- 3.12 "Technology" is the means (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 COURSE REQUIREMENTS

- 4.01 The Department of Education must approve all distance learning courses prior to the courses being offered or taught by a public school district or charter school .
- 4.02 All distance-learning courses shall have an appropriately licensed or approved primary instructor.
- 4.03 All distance-learning courses 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 course. The student achievement assessments shall be designed to assess the degree to which the students have mastered existing 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 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.

## 6.00 CLASS SIZE

6.01 The combined number of students at the receiving and sending site(s) shall determine class size.

6.02 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.

6.03 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.

## 7.00 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.

## 8.00 PILOT PROGRAMS

In an effort to facilitate distance learning opportunities for students and teachers, the Arkansas 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.

## 9.00 ARKANSAS DISTANCE LEARNING DEVELOPMENT PROGRAM

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

9.01 The program shall have four (4) focus areas:

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

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

9.01.3 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

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

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

9.02.1 The project shall receive from the Public School Fund an amount equal to one-sixth (1/6) of the previous year's foundation aid 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 October 1 for the current upcoming school year. The funds shall be transferred from the Public School Fund to the designated distance-learning fund and appropriation based upon student enrollment.

9.02.2 The commissioner may solicit and receive donations and grants for the purpose of administering the program.

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

9.02.4 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

program.

- 9.03 Students taking courses through this program shall be considered entitled to any public education credits and grades assigned through this program and those credits and grades shall be accepted by all public schools in Arkansas.
- 9.04 The commissioner shall review the implementation of this program annually and make recommendations to the board to ensure that the purpose of the program is achieved.
- 9.05 Courses offered or taught through the Arkansas Distance Learning Development Program may be offered or taught to public school students, private school students, and home school students in the State of Arkansas. Public school students will be given priority when scheduling courses.
- 9.06 A home school student or a private school student enrolled in a distance-learning course shall not be entitled to any rights, privileges, courses, activities, or services available to a public school student or open-enrollment charter school student other than receiving appropriate credit for a completed distance learning course.

**10.00 PUBLIC SCHOOL DISTRICT AND CHARTER SCHOOL DISTANCE LEARNING PROGRAM.**

10.01 A public school district or open-enrollment charter school may offer and teach distance-learning courses to students enrolled in a private school or a home school under the following conditions:

- 10.01.1 The student resides in the public school district where the public school or open-enrollment charter school is located;
- 10.01.2 The student agrees to physically attend the public school or open-enrollment charter school for purposes of taking a distance-learning course taught or offered through the public school or charter school; and
- 10.01.3 The public school or open-enrollment charter school teaches or offers a distance-learning course that has been approved by and otherwise complies with Department of Education rules and standards governing distance learning courses; or
- 10.01.4 The Commissioner of the Department of Education waives the requirements under 10.01.1 and 10.01.2 of this section on an individual basis for a student who submits sufficient documentation to the Department that they are unable to attend due to conditions that prevent the child from physically attending a public school or an open-enrollment charter school.

- 10.02 A public school district or open-enrollment charter school that teaches or offers a distance-learning course to one (1) or more home school or private school students who meet the conditions 10.01 shall be entitled to an amount equal to one-sixth (1/6) of the state foundation funding amount for each private school student or home school student. The funding is based on a one-unit course and will be adjusted proportionally for courses producing less credit.
- 10.03 Under no circumstances shall a public school district or open-enrollment charter school be entitled to more than the equivalent of state foundation funding for one (1.0) average daily membership per student regardless of the number of distance-learning courses received by a particular home school or private school student.
- 10.04 A home school student or a private school student enrolled in a distance-learning course shall not be entitled to any rights, privileges, courses, activities, or services available to a public school student or open-enrollment charter school student other than receiving appropriate credit for a completed distance learning course.
- 10.05 A home school student or private school student shall not be entitled to participate in, enroll in, or attend any other courses, activities, or services provided by a public school district or an open-enrollment charter school.
- 10.06 Any public school district or charter school seeking to offer or teach distance-learning courses to public school students, home school students, or private school students must first have those course offerings approved by the Department of Education Distance Learning Program.
- 10.07 No public school district or open-enrollment charter school shall establish or provide a virtual school or distance-learning course except as allowed by this section.