

ARKANSAS DEPARTMENT OF EDUCATION
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING DISTANCE AND DIGITAL LEARNING
May 2016 _____ 2019

1.00 Purpose

- 1.01 The purpose of these Rules is to set reasonable guidelines for the coordination and implementation of learning where the teacher and student are separated by place and to provide guidance for the implementation of digital learning environments that offer student-centered, personalized, and flexible learning options.
- 1.02 These Rules are intended to ensure that distance learning is available to every Arkansas student who wishes to participate, to improve content and course offerings available to students—including Advanced Placement courses or other academic courses not otherwise available—and encourage innovation in education, and to prepare students for participation in the information age economy.
- 1.03 In order to ensure proper implementation, the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education shall work with other state agencies involved in distance and digital learning to implement distance and digital learning throughout the state.

2.00 Authority

- 2.01 The Arkansas State Board of Education’s authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ ~~6-11-105, 6-16-1401 et seq., 6-47-201 et seq., and 25-15-201 et seq., and Act 1159 of 2015~~ and Act 709 of 2019.

3.00 Definitions

- 3.01 “Adult Facilitator” is the person responsible for supervising and assisting the students at a brick-and-mortar location. The adult facilitator must be an adult approved by the school district or open-enrollment public charter school.
- 3.02 “Blended Learning” is education in which instruction and content are delivered through supervised instruction in a classroom and online delivery of instruction with some element of student control over time, place, path, or pace.
- 3.03 ~~“Department” is the Arkansas Department of Education.~~
- ~~3.04~~ “Digital Learning” is a digital technology or internet-based educational delivery model that does not rely exclusively on compressed interactive video. Digital learning may be a type of distance learning.

- 3.054 “Digital Learning Provider” is an agency or entity approved by the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education pursuant to these rules that provide digital learning courses to public schools.
- 3.065 “Distance Learning” is an interactive telecommunications system that utilizes information technology and/or audio, video, and similar technological elements, is compatible with other distance learning networks, and is used for the purpose of enhancing instructional opportunities in Arkansas public schools. Distance learning may or may not utilize digital learning.
- 3.06 “Division” is the Division of Elementary and Secondary Education.
- 3.07 “Infrastructure” is an interlinked system of wires, cables, fiber optics, or other wireline or wireless communications media.
- 3.08 “Public School Student Accessing Courses at a Distance” is a student who attends all classes virtually through a public school district or open-enrollment public charter school.
- 3.09 “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.
- 3.10 “Teacher of Record” is the appropriately licensed or approved educator responsible for:
- 3.10.1 Ensuring the course content is aligned with the appropriate ~~Arkansas Curriculum Framework or similar course outline~~ Arkansas Academic Standards and course frameworks approved by the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education or the ~~Arkansas Department of~~ Division of Career and Technical Education;
 - 3.10.2 Providing direct instruction as necessary; and
 - 3.10.3 Assigning a grade or completion status for the course.
 - 3.10.4 The Teacher of Record shall be responsible for supervising the administration of student assessments or ensuring, through a designee, that appropriate supervision of administration of student assessments is provided.
 - 3.10.5 A Teacher of Record can be either an employee of a school district or open-enrollment public charter school or an employee of a digital learning provider.

- 3.11 “Technology” is any equipment for instructional purposes that is electronic in nature including, but not limited to, computer hardware, computer software, and internet connectivity.

4.00—~~Distance Learning Coordinating Council~~

~~4.01—The purpose of the Distance Learning Coordinating Council is to evaluate distance learning activities for kindergarten through grade twelve (K-12) education across the State of Arkansas and to determine whether distance learning activities are being fully utilized through a collaborative process that maximizes the utilization of the state’s technical and educational resources.~~

~~4.02—The Distance Learning Coordinating Council consists of the following members:~~

~~4.02.1 One (1) member who is an employee of the Department of Education appointed by the Commissioner;~~

~~4.02.2 One (1) member who is an employee of the Arkansas Educational Television Network appointed by the Director of the Educational Television Division of the Department of Education;~~

~~4.02.3 One (1) member who is an employee of the Arkansas School for Mathematics, Sciences and the Arts appointed by the Director of the Arkansas School for Mathematics, Sciences, and the Arts;~~

~~4.02.4 One (1) member who is an employee of the Department of Information Systems appointed by the Director of the Department of Information Systems;~~

~~4.02.5 One (1) member who is an employee of the Division of Science and Technology of the Arkansas Economic Development Commission appointed by the Executive Director of the Arkansas Economic Development Commission;~~

~~4.02.6 One (1) member who is an employee of the Department of Career Education appointed by the Director of the Department of Career Education;~~

~~4.02.7 One (1) member who is employed by the Department of Higher Education appointed by the Director of the Department of Higher Education;~~

~~4.02.8 One (1) member who is an employee of the Arkansas State Library appointed by the State Librarian;~~

~~4.02.9 One (1) member who is an employee of an education service cooperative~~

appointed by the Governor subject to confirmation of the Senate;

~~4.02.9.1—The Governor shall consult the State Board of Education before making an appointment under Section 4.02.9.~~

~~4.02.10 One (1) member who is actively engaged in distance learning activities for grades kindergarten through twelve (K-12) education appointed by the Governor from the state at large;~~

~~4.02.11 Two (2) members who are employed by telecommunications companies that are members of the Arkansas Telecommunications Association and appointed as follows:~~

~~4.02.11.1 One (1) member shall be employed by a telecommunications company with more than seventy five thousand (75,000) access lines and shall be appointed by the Governor and appointed subject to confirmation of the Senate; and~~

~~4.02.11.2 One (1) member shall be employed by a telecommunications company with less than seventy five thousand (75,000) access lines and shall be appointed by the Governor and appointed subject to confirmation of the Senate; and~~

~~4.02.11.3 The Governor shall consult the Arkansas Telecommunications Association before making an appointment under this subsection.~~

~~4.02.12 Members added by the Commissioner to the Distance Learning Coordinating Council to represent other entities that are associated with grades kindergarten through twelve (K-12) distance learning.~~

~~4.03—Members shall serve three-year terms and are eligible for reappointment.~~

~~4.03.1 If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled in the same manner as the original appointment.~~

~~4.03.2 The members of the Distance Learning Coordinating Council shall meet and organize immediately after their appointment and shall elect a chair, a vice chair, and a secretary-treasurer from the membership of the Distance Learning Coordinating Council.~~

~~4.03.3 The Distance Learning Coordinating Council shall meet at least quarterly.~~

~~4.03.4 Staff support shall be provided by appropriate personnel from the Department of Education, the Department of Career Education, the Department of Higher Education, the Division of Public School~~

~~Academic Facilities and Transportation, the Division of Public School Accountability, and the state's public institutions of higher education with the assistance of any appropriate staff of the other agencies whose directors serve on the Distance Learning Coordinating Council.~~

~~4.03.5 Non-state employee members shall serve without compensation but may receive expense reimbursement in accordance with Ark. Code Ann. § 25-16-902.~~

~~4.04 The Distance Learning Coordinating Council shall make recommendations at least annually to the Department of Education, the Division of Public School Academic Facilities and Transportation, the Division of Public School Accountability, the House Committee on Education, and the Senate Committee on Education with regard to the following:~~

~~4.04.1 Distance learning standards and rules;~~

~~4.04.2 Online distance learning curriculum;~~

~~4.04.3 Supplemental distance learning course material;~~

~~4.04.4 Coordination of distance learning services;~~

~~4.04.5 Methods for fostering collaborative processes by which distance learning content can be shared more effectively with and delivered to public schools;~~

~~4.04.6 Strategies for reducing the occurrences of isolated distance learning activities;~~

~~4.04.7 Options for spreading distance learning costs and increasing the value of shared distance learning services; and~~

~~4.04.8 Improving utilization of distance learning resources.~~

54.00 Arkansas Distance Learning Development Program

~~54.01 The Arkansas Distance Learning Development Program shall be conducted by the Department Division of Elementary and Secondary Education and administered through the Commissioner.~~

~~54.02 The Arkansas Distance Learning Development Program shall have four (4) focus areas:~~

~~54.02.1 To help alleviate the increasing shortage of available qualified teachers;~~

- 54.02.2 To provide additional course-scheduling opportunities for students;
 - 54.02.3 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 School Districts; and
 - 54.02.4 To develop and make available online professional development and instructional resources for all teachers and administrators.
- 54.03 The funding necessary to carry out the provisions of Section 54.00 may be derived from donations, grants or legislative appropriation.
- 54.03.1 The Commissioner may solicit and receive donations and grants for the purpose of administering the Arkansas Distance Learning Development Program.
 - 54.03.2 All donations, grants, and appropriations received shall be accounted for by the ~~Department~~ Division.
 - 54.03.3 Fund balances may be carried over from one year to the next to continue the Arkansas Distance Learning Development Program.
- 54.04 The Commissioner shall review the implementation of the Arkansas Distance Learning Development Program annually and make recommendations to the State Board of Education regarding the number and amount of awards to ensure that the purpose of the Arkansas Distance Learning Development Program is achieved.
- 54.05 The Commissioner 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 the Arkansas Distance Learning Development Program.
- 54.06 Students taking courses through the Arkansas Distance Learning Development Program shall be considered entitled to any public education credits and grades assigned through the Arkansas Distance Learning Development Program and those credits and grades shall be accepted by all public schools in the State of Arkansas.

65.00 Distance Learning Grants

- 65.01 The following grant standards are hereby developed to provide grants to education service cooperatives for acquiring equipment and receiving telecommunications services necessary for each school district to have distance learning availability.

- 65.02 The grants shall be used to assist school districts that do not have distance learning capabilities and to assist school districts in upgrading existing distance learning capabilities.
- 65.03 The grants shall also be used by the education service cooperatives to provide technical assistance to the school districts in implementing and maintaining distance learning as an educational tool.
- 65.04 Each school district shall have adequate connectivity to provide quality of service for distance learning.
- 65.05 Distance learning technical protocols shall be in alignment with technical standards set by the Director of the ~~Department~~ Division of Information Systems.
- 65.06 Education service cooperatives and school districts shall coordinate with the ~~Department~~ Division to seek to obtain the benefits of the Federal Communications Commission's E-Rate discount program.

76.00 Requirements for the Administration of Distance Learning in Elementary and Secondary Schools

Note: 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.

76.01 Courses offered through distance learning shall include, without limitation:

- 76.01.1 College preparatory courses, including, without limitation, calculus, physics, Arkansas history, foreign languages, and computer science; and
- 76.01.2 Technological courses, including, without limitation, advanced math and science courses, advanced computer skills courses, and advanced courses in the arts.

~~7.02 Any distance learning course must be approved by the Department of Education or by the Department of Career Education before the course is offered or taught by any public school district or open-enrollment public charter school unless:~~

~~7.02.1 The distance learning course content is aligned with the appropriate content standards and curriculum frameworks developed and approved by the State Board of Education or Department of Career Education; or~~

~~7.02.2 The course is not offered for credit.~~

6.02 All distance learning courses shall follow the Arkansas Academic Standards and course frameworks regardless of digital provider.

6.02.1 Schools may utilize courses from outside the state if the out-of-state provider is approved by the Division before the school offers the courses.

6.02.2 Any out-of-state provider shall provide assurances of alignment with Arkansas Academic Standards and course frameworks through the application process.

6.02.3 Districts that choose to offer additional digital offerings that are not currently approved for credit may offer the course for no credit or local credit only, or submit the course through the course approval process.

76.03 All distance learning courses shall have a teacher of record who is an appropriately licensed or approved primary instructor and is responsible for the course. School districts are responsible for ensuring that the teacher of record in a digital learning platform is performing job responsibilities as a teacher of record.

76.04 Each receiving site shall have an adult facilitator to:

76.04.1 Supervise any instructional activity where students meet as a group; and

76.04.2 Administer all student achievement assessments used to determine a student's final grade.

76.05 Student achievement assessments shall be designed to assess the degree to which a student masters the approved content standards and curriculum framework for the distance learning course.

~~7.05.1 Documentation of student achievement assessments shall be maintained and shall be available for review at the receiving site for a minimum of five (5) 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.~~

76.06 Distance learning that is purely supplemental instruction shall be considered an enhancement to the teacher's regular instruction and shall not be subject to the restrictive provisions of these rules. This includes any incorporation of digital resources that does not provide the student some element of control over time, place, path, and/or pace in the delivery.

- 76.07 Distance learning courses shall be considered large group instruction courses for the purposes of the Standards for Accreditation of Arkansas Public Schools and School Districts.
- 76.08 Any public school district or open-enrollment public charter school offering distance learning courses shall abide by the policies adopted by the distance learning provider or supplier of courses in such a way that students taking distance learning courses are able to participate in the courses without falling outside of established attendance policies.
- 76.09 Attendance in distance learning courses shall be determined by the online attendance and time the student is working on the course as monitored by the school district or open-enrollment public charter school to ensure the student progresses toward credit attainment for the course.

87.00 Participation in Distance Learning Courses

87.01 A public school district or open-enrollment public charter school may offer and teach distance learning courses to a student enrolled in a private school or a home school if:

87.01.1 The student resides in the public school district where the public school or open-enrollment public charter school is located;

87.01.2 The student agrees to physically attend the public school or open-enrollment public charter school for the purposes of taking state tests and assessments required for the particular course or courses taken by the student; and

87.01.2.1 Section 87.01.2 shall not be construed to require a home-schooled student or private school student to take any test or assessment not specifically required for completion of the course for which the student is enrolled.

87.01.3 The distance learning course is approved by the ~~Department~~ Division of Elementary and Secondary Education, or is aligned with the appropriate content standards and curriculum frameworks developed and approved by the State Board of Education or ~~Department~~ Division of Career and Technical Education.

7.01.4 The Commissioner of Elementary and Secondary Education may waive the requirements of Section 7.01 on an individual basis for a student who is unable to attend due to conditions that prevent the child from physically attending a public school or open-enrollment public charter school, upon written request from the parent mailed to:

Office of the Commissioner
ATTN: Distance and Digital Learning Waiver
Division of Elementary and Secondary Education
Four Capitol Mall
Little Rock, Arkansas 72201

- 87.02 A public school district or open-enrollment public charter school that teaches or offers a distance learning course that complies with section 6.00 of these rules to one (1) or more home-schooled or private school students who meet the conditions of 87.01 shall be entitled to an amount equal to one-sixth (1/6) of the state foundation funding amount for each course taught to a private school student or home-schooled student.
- 87.03 A public school district or open-enrollment public charter school shall not be entitled to more than the equivalent of state foundation funding for one (1) average daily membership per student regardless of the number of distance learning courses received by a particular home-schooled or private school student.
- 87.04 A student may take all courses virtually through a public school district or open-enrollment public charter school.
- 87.04.1 Once a student who formerly was home-schooled or attended a private school accesses all courses virtually through a public school district or open-enrollment public charter school, the student is a public school student accessing courses at a distance.
- 87.04.1.1 All laws pertaining to public school students shall pertain to a public school student accessing courses at a distance.

98.00 Digital Learning Environment

- 98.01 A digital learning environment shall be composed of:
- 98.01.1 Access to quality digital learning content and online blended learning courses;
- 98.01.2 Tailored digital content designed to meet the needs of each student;
- 98.01.2 Digital learning content that meets or exceeds the curriculum standards and requirements adopted by the State Board of Education that is capable of being assessed and measured through standardized tests or local assessments; and
- 98.01.3 Infrastructure that is sufficient to handle and facilitate a quality digital learning environment.

109.00 Digital Learning Providers

109.01 To become an approved digital learning provider a digital learning provider shall submit proof that the provider:

109.01.1 Is nonsectarian and nondiscriminatory in its programs, employment practices, and operations;

109.01.2 Demonstrates or partners with an organization that demonstrates successful experience in furnishing digital learning courses to public school students as demonstrated by student growth in each subject area and grade level for which it proposes to provide digital learning courses; ~~and~~

109.01.3 Provides digital learning services that meet or exceed the minimum curriculum standards and requirements established by the State Board of Education and ensures instructional and curricular quality through a curriculum and accountability plan that addresses every subject area and grade level for which it agrees to provide digital learning courses; ~~and~~

9.01.4 Utilizes qualified teachers to deliver digital learning courses to public school students.

9.01.4.1 A qualified teacher who delivers digital learning courses under this section is not required to be licensed as a teacher or administrator by the State Board, but shall meet the minimum qualifications for teaching in a core content area established by rules of the State Board.

109.02 The ~~Department~~ Division of Elementary and Secondary Education or State Board of Education shall not require as a condition of approval of a digital learning provider that the digital learning provider limit the delivery of digital learning courses to public schools that require physical attendance at the public school to successfully complete the credit for which the digital learning course is provided.

109.03 To become an approved digital learning provider in Arkansas, a prospective digital learning provider shall complete the application found ~~at Attachment 1 on~~ the Division of Elementary and Secondary Education's Learning Services webpage ~~to these rules~~ and provide the completed application by March 1 of the year in which the provider intends to participate to:

ATTN: Digital Learning Provider Applications
Arkansas ~~Department~~ Division of Elementary and Secondary Education
Division of Learning Services
Four Capitol Mall

Little Rock, AR 72201

~~The Arkansas Department An electronic version of the application is also available on the Division of Elementary and Secondary Education is authorized to create an electronic version of the application found at Attachment 1 website on the Learning Services homepage.~~

~~409.04~~ Public school districts and open-enrollment public charter schools that provide digital learning courses to their own students without the assistance of an external digital learning provider are not required to seek approval as a digital learning provider pursuant to these rules.

~~409.05~~ Public school districts and open-enrollment public charter schools that provide digital learning courses to students other than their own students without the assistance of an external digital learning provider are required to seek approval as digital learning providers pursuant to these rules.

~~409.06~~ Digital learning services may be procured from both in-state and out-of-state digital learning providers. Out-of-state providers approved by the Division must provide assurance through the application process that courses align to the Arkansas Academic Standards and course frameworks.

~~409.07~~ The Arkansas Department Division of Elementary and Secondary Education shall annually:

~~409.07.1~~ Publish a list of approved digital learning providers that offer digital learning services; and

~~409.07.2~~ Provide a copy of the list of approved digital learning providers to the House Committee on Education and the Senate Committee on Education no later than June 1 of each year.

~~410.00~~ Digital Learning Courses

~~410.01~~ All public school districts and open-enrollment public charter schools shall provide at least one (1) digital learning course to their students as either a primary or supplementary method of instruction.

~~410.02~~ All digital learning courses provided by public school districts and open-enrollment public charter schools shall:

~~410.02.1~~ Be of high quality;

~~410.02.2~~ Meet or exceed the curriculum standards and requirements established by the State Board of Education; and

- ~~410.02.3~~ Be made available in a blended learning, online-based, or other technology-based format tailored to meet the needs of each participating student.
- ~~410.03~~ Digital learning courses shall be capable of being assessed and measured through standardized tests or local assessments.
- ~~410.04~~ Each high school student shall be required to take at least one (1) digital learning course for credit to graduate. The course may be provided by the district or a digital provider and made available in a blended learning, online-based, or other technology-based format.
- ~~410.05~~ The State Board of Education shall not limit the number of digital learning courses for which a student may receive credit through a public school district or open-enrollment public charter school and shall ensure that digital learning courses may be used as both primary and secondary methods of instruction.

~~11.06~~ ~~A public school district or open-enrollment public charter school that offers a digital learning course through an approved digital learning provider shall ensure that each digital learning course offered has been approved by the Department.~~

~~11.06.1~~ ~~It is not necessary for a public school district or open-enrollment public charter school to seek approval from the Department for courses that have previously been approved by the Department.~~

~~11.06.2~~ ~~For courses not previously approved by the Department, a public school district or open-enrollment public charter school that offers a digital learning course through an approved digital learning provider shall obtain approval for the course from the Department prior to offering the course to students. A public school district or open-enrollment public charter school may seek course approval by contacting the following office:~~

~~ATTN: Digital Learning Course Approvals
Arkansas Department of Education
Division of Learning Services
Four Capitol Mall
Little Rock, AR 72201~~

10.06 A public school district or open-enrollment public charter school that expels a student shall offer to the expelled student digital learning courses or other alternative educational courses for which the student may receive academic credit that is at least equal to the credit the expelled student may have received if he or she was still enrolled in his or her assigned public school or open-enrollment public charter school immediately before he or she was expelled.

ATTACHMENT 1



ARKANSAS
DEPARTMENT
OF EDUCATION

DIGITAL LEARNING PROVIDER APPLICATION

Date of Application: _____

Name of Provider: _____

Provider Point of Contact: _____

Address: _____

City: _____ State: _____ ZIP: _____

E-mail: _____

Website Address (If Applicable): _____

Is the applicant/provider nonsectarian and nondiscriminatory in its programs, employment practices and operations? Yes: _____ No: _____

Explain: _____

Subject areas for which the applicant/provider intends to offer digital learning courses:

Grade levels for which the applicant/provider intends to offer digital learning courses:

Will the applicant/provider partner with any organization in furnishing digital learning courses to public school students? Yes: _____ No: _____

If so, please provide the following:

Name of Partnering Organization: _____

Address: _____

City: _____ State: _____ ZIP: _____

E-mail: _____

Website Address (If Applicable): _____

A prospective digital learning provider must demonstrate or partner with an organization that demonstrates successful experience in furnishing digital learning courses to public school students as demonstrated by student growth in each subject area and grade level for which it proposes to provide digital learning courses. Please explain how the applicant/provider meets this requirement. Attach supporting documentation as necessary.

A prospective digital learning provider must meet or exceed the minimum curriculum standards and requirements established by the State Board of Education and ensure instructional and curricular quality through a curriculum and accountability plan that addresses every subject area and grade level for which it agrees to provide digital learning courses. Please explain how the applicant/provider meets this requirement. Attach supporting documentation as necessary.

Please describe, in general, the qualifications of the applicant's/provider's teachers. Attach supporting documentation as necessary.

Digital learning courses shall be capable of being assessed and measured through standardized tests or local assessments. Please explain how the applicant/provider meets this requirement. Attach supporting documentation as necessary.

ACKNOWLEDGMENT

I certify that the foregoing information is true, accurate and complete. I understand that the requirements for being an approved digital learning provider in Arkansas are governed by Ark. Code Ann. § 6-16-1401 *et seq.* and the Arkansas Department of Education Rules Governing Distance and Digital Learning. I further understand that failure to comply with stated requirements could result in denial of this application or withdrawal of approval status.

Name of Applicant _____ Date _____

On Behalf Of:

Submit Completed Application To: _____ ATTN: Digital Learning Provider Applications
Arkansas Department of Education
Division of Learning Services
Four Capitol Mall
Little Rock, AR 72201