

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE
LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS
SUBCHAPTER 21. ALTERNATIVE INSTRUCTIONAL DELIVERY SYSTEMS**

210:35-21-2. Alternative instructional delivery systems

(a) **Definitions.** The following words and terms, when used in this section, shall have the following meaning unless the context clearly indicates otherwise:

(1) **"Synchronous instruction"** means the instructor and student's primary interactions are in real time. Regular classroom instruction is synchronous instruction, as well as two-way interactive video. ~~Web-based~~Virtual instruction that requires real-time interaction between student(s) and instructor as the primary format of instruction is also synchronous instruction.

(2) **"Asynchronous instruction"** means instructor and student interaction is not dependent on real time. Asynchronous instruction allows the student to engage in learning activities anywhere at ~~anytime~~any time. For instruction to be considered asynchronous, the primary format of instruction does not depend on real-time interaction of the participants.

~~(3) **"Web-based instruction"** means the use of the World Wide Web as the primary medium of instruction, with a computer serving as the primary tool of instruction. Web-based instruction may be synchronous or asynchronous.~~

(3) **"Distance learning plan"** means a plan implemented under a public school district or charter school's distance learning policy as authorized by subsection (c), describing any means by which instruction will be delivered to students outside a traditional school setting. A distance learning plan must meet the requirements listed in subsection (c) of this Section.

(4) **"Two-way interactive video instruction"** means real-time (synchronous) interaction between student(s) and instructor by means of an electronic medium that provides for both audio (sound) and video (sight) signal. Students and instructors participating in two-way interactive video instruction may both see and hear each other in an approximation of real-time.

(5) **"Virtual instruction"** means the use of the internet or other such digital information transmission systems as the primary medium of instruction. Virtual instruction may be synchronous or asynchronous, or may combine synchronous and asynchronous instruction.

(b) **Alternative Instructional Delivery System.** ~~Internet-based~~Virtual instructional programs offered for instructional purposes and/or high school credit shall be approved by and under the supervision of the ~~local~~ board of education of the school district where the course is offered. The State Board of Education reserves the right to request information and materials sufficient to evaluate the proposed course(s) for the purposes of course code alignment and other authorized purposes.

(c) **Local board policy.** All ~~local~~ school district boards of education in the state of Oklahoma shall adopt policies regarding ~~Internet-based~~virtual instructional courses which shall comply with the following guidelines.

(1) ~~Web-based~~Virtual and two-way interactive video instruction shall be viewed as methods by which the public schools within the state can expand their course offerings and access to instructional resources. These ~~new~~ technologies should not be viewed solely as substitutes for direct, face-to-face student and teacher interactions, but as a means of expanding the ability of the local district to bring the world of knowledge to their students. With the exception of a charter school authorized by its sponsor to provide virtual instruction

only, or during emergency circumstances as addressed below, a public school shall offer in-person classroom instructional opportunities in addition to any virtual instructional opportunities offered to students.

(A) **Virtual instruction in distance learning plans.** As authorized in the event of an emergency declared by a federal or state government entity that impacts the operation of public schools in Oklahoma, or upon an action taken by the State Board of Education declaring such an emergency that leads to the temporary emergency closure of school campuses or otherwise significantly impacts the operation of public schools in Oklahoma as determined by the State Board of Education, public schools may implement distance learning plans which provide for distance learning that is accessible to all students. Further, a public school district or charter school may adopt a policy providing for the short-term implementation of a distance learning plan due to a localized emergency, such as a weather-related school closure or a localized public health emergency. A school's approved academic calendar may build in one or more emergency closure "makeup days" to be delivered through the distance learning plan, in the same manner as a school district's calendar may build in additional standard school days to be held as makeup days in case of emergency weather closures.

(B) **Virtual instruction in home-based education.** A public school district or charter school may adopt a distance learning plan policy that provides for virtual or partially virtual instruction to deliver home-based education to a student who cannot attend school in person for a period of time due to extended medical or other issues, pursuant to Oklahoma Administrative Code 210:10-1-5. If a school district or charter school delivers its home-based education program solely through virtual instruction, any participating student who does not already have access to the necessary internet connectivity and/or device(s) shall be provided the internet connectivity and device(s) necessary to access the instruction free of charge.

(C) **Distance learning plan requirements.** A school district or charter school shall submit a copy of its distance learning plan to the Oklahoma State Department of Education (OSDE) Office of Accreditation within ten (10) business days of adoption by the school district board of education or charter school governing board. If an update or revision of the policy is adopted, such amended policy shall also be submitted to the OSDE Office of Accreditation within ten (10) business days of adoption. A public school policy authorizing the implementation of a local distance learning plan must include the following considerations:

(i) **Equitable access.** Participation in the distance learning plan must be accessible to every student regardless of household resources. This means that if a public school requires students to engage with instruction or content using the internet or other means of remote connectivity, the district must ensure the student has access to the internet connectivity and any device(s) necessary, and if not, the district must provide them for student use free of charge. If a school district or charter school cannot provide internet connectivity and device access for the use of all students due to limitations such as budget and/or geography, but plans to use virtual instruction as part of its distance learning plan as authorized in subsection (c)(1)(A), the distance learning plan must provide for alternate methods to deliver equitably equivalent instruction to all students. Such alternate means could include approaches such as paper packets of instructional materials supplemented by periodic direct contact with

teachers, in person or by telephone or other method of communication. A school district must ensure that the student has access to all materials necessary for participating in a public school's distance learning plan, and if the student does not already have the necessary materials, must ensure access free of charge, e.g., by providing packets of paper instructional materials, blank paper for assignment completion, and writing instruments or other supplies as appropriate for the grade level or subject area (e.g., geometric compass, protractor, crayons/colored pencils if required for assignment completion). If a public school's policy for distance learning allows for different instructional delivery methods due to the inability to provide internet connectivity and device(s) to all students, the policy must address the school's method(s) for making individualized determinations of which students would be able to access virtual instruction and which would not, including equitable plans for serving students who would not have access to virtual instruction.

(ii) **Alignment with standards.** A local distance learning plan must provide that instruction and content provided through virtual education or other distance learning delivery methods is consistent with the Oklahoma Academic Standards for the subject area and/or grade level in which credit is awarded. Instruction and content provided through distance learning delivery methods other than virtual instruction must be equitably equivalent to the instruction and content provided through virtual instruction.

(iii) **Policies.** As a condition of adopting an authorized local distance learning plan, a school district or charter school shall establish clear written policies for students receiving instructional services in the plan, which must include measurements of attendance for students and staff, awarding of credits for course completion, and participation in extracurricular activities. Separate attendance policies may be appropriate for full-time virtual education and part-time virtual education. Attendance policies for distance learning provided by means other than virtual education may consider factors such as assignment completion and engagement with instructional supports, provided no student shall have a grade lowered or be otherwise penalized for failure to engage with instructional supports the student does not have the resources to access (e.g., telephone service, internet access, transportation). Records of student enrollment and attendance in virtual instruction programs shall be maintained through the school district or charter school's authorized student information system, consistent with all requirements of Oklahoma Administrative Code 210:10-1-5. Virtual attendance policies for Oklahoma school districts and charter schools shall include the following provisions:

(I) The attendance for a student participating in a virtual instruction program shall be the date on which the student first completes an instructional activity as defined in 70 O.S. § 3-145.8; and

(II) The defined time period, assignment completion status, or other means used to determine student attendance in the virtual program shall meet or exceed the minimum measures of virtual attendance listed at 70 O.S. § 3-145.8(B).

(2) To ensure equitable access to instruction, in the development of a policy authorizing a distance learning plan as addressed in (c)(1), it is strongly recommended that a school district or charter school consult a working group of community stakeholders. Diligent efforts shall be made to include persons of different backgrounds and experiences to provide for the

development of a distance learning plan that is accessible to the entire school community. Such a working group should include: school leaders and teachers; parents/guardians and other community members representing different socioeconomic statuses, racial and ethnic identities, and cultural perspectives; representatives of any Native American tribal nation(s) with territory or members served by the district; and other persons or groups identified by the district whose perspectives are appropriate to consider in the development of a distance learning plan.

~~(2)~~(3) The local school board or charter school shall be the entity granting student credit for completion of courses offered by means of ~~Internet-based~~virtual instruction, including instruction provided by means of an authorized contract with an instructional services provider. The ~~local~~district school board or charter school governing board will assume ~~all~~the same responsibility for ~~such course work~~courses offered by such means as for all other courses offered by the district.

~~(3)~~(4) Only students who are ~~regularly~~ enrolled in the school district, either as resident students or transfer students, shall be allowed to enroll in alternative instructional delivery systems courses offered for credit through the local school district.

~~(4)~~(5) A district board of education may authorize enrollment on a part-time basis utilizing ~~Internet-based~~virtual courses for students who have ~~dropped out of school or have been suspended from school provided such student was enrolled at any time in a public school in this state during the previous three (3) school years~~previously been denied a diploma, pursuant to 70 O.S. § 11-103.6(Q).

~~(5)~~(6) Students enrolled on a full-time basis shall be authorized to enroll in ~~Internet-based~~virtual courses.

~~(6)~~(7) The principal or designee of the local school shall evaluate and ~~approve/disapprove~~approve or disapprove all students' requests to participate in courses delivered by means of ~~Internet-based~~virtual instruction, provided that all requests eligible pursuant to Oklahoma Administrative Code 210:15-34 are approved as provided therein. Only those enrollments approved by such a process shall be eligible for credit granted by the local school district.

~~(7)~~(8) A certified staff member shall be identified by ~~the local~~each school principal to serve as the building level contact person to assist students enrolling in online courses and serve as a liaison to the online teachers and provider(s).

~~(8)~~(9) Students earning credit by means of ~~Internet-based~~virtual instruction shall participate in all assessments required by the Oklahoma School Testing Program. ~~No student shall be allowed to participate in these assessments at a place other than the school site at which the student is enrolled.~~

~~(9)~~(10) Courses offered for credit by means of ~~Internet-based~~virtual instruction shall be aligned with the ~~Priority Academic Student Skills (PASS)~~Oklahoma Academic Standards. Districts may also establish additional criteria as a basis for course selection, provided any additional criteria are consistent with 70 O.S. § 1-111 Oklahoma Administrative Code 210:15-34.

~~(10)~~(11) Oklahoma ~~statute~~legal provisions limiting the number of students public school teachers may supervise in each period of instruction and the total number of students allowed daily shall apply to synchronous ~~web-based~~virtual and two-way interactive video courses, provided any associated moratorium or exemption that applies to traditional classroom instruction shall also apply to synchronous instruction. The number of students each

instructor may be required to supervise in asynchronous ~~web-based~~virtual courses shall be established by means of local school board policy.

~~(11)~~(12) Each teacher of two-way interactive video ~~and/or web-based~~virtual courses shall be provided inservice training pertaining to the methodology of instructional delivery and the technical aspects of distance learning.

~~(12)~~(13) The issues regarding the monitoring of student progress, graded assignments, and testing in ~~Internet-based~~virtual instruction courses shall be addressed by the local school board policy.

~~(13)~~(14) The security of individual student data and records shall be addressed by the local school board policy. No individual student data obtained through participation in ~~Internet-based~~virtual instruction courses shall be used for any purposes other than those that support the instruction of the individual student. Under all circumstances, the provisions of the Family Educational Rights and Privacy Act (FERPA) apply to student data held or accessed by any public school or its contractors or agents, including any contracted provider of virtual instruction or other distance learning media.

~~(14) District level aggregated data obtained through participation in Internet based instruction courses shall be addressed by the local school board policy.~~

(15) All federal and state statutes and regulations pertaining to student privacy, the transmission or posting of images or other content on the internet or "World Wide Web", copyright of materials, Federal Communications Commission (FCC) rules pertaining to the public broadcasting of audio and video, and other such issues shall apply to virtual instruction platforms, media, and any associated content~~be addressed by the local school board policy.~~

(16) Prior to the beginning of instruction, cooperating school districts sharing courses by means of two-way interactive video technology shall, by means of contractual agreement, address such issues as the instruction costs, ~~bell~~instruction schedules, school calendars, student behavior, teacher evaluation, textbooks or other course materials, class periods and other such interactive video sessions, student grades and grading policies, teacher load, and instructor employment.

(17) With the exception of distance learning plans implemented in emergency circumstances as authorized in (c)(1)(A), Contractual~~contractual~~ agreements shall may be established between the school district and ~~parent(s)~~parent, or legal guardian, of students participating in alternative instructional delivery system courses prior to the beginning of instruction. These contracts may address such issues as grading criteria, time allotted for course completion, student attendance, and the responsibility for ~~course costs and equipment~~ necessary to access the course content.

(18) Instructors of ~~Internet-based~~virtual courses shall be:

(A) certified in Oklahoma or another state to teach in the content area of the course offered, or;

(B) a faculty member at an accredited institution of higher education, possessing the specific content expertise necessary to teach the course.

(19) Districts shall establish criteria for determining the appropriateness of particular ~~Internet-based~~virtual courses for individual students prior to student enrollment in such courses, which shall be consistent with the provisions of 70 O.S. § 1-111 and Oklahoma Administrative Code 210:15-34.