

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 30 EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS
PART 8 DISTANCE LEARNING**

6.30.8.1 ISSUING AGENCY: Public Education Department (PED)
[6.30.8.1 NMAC - Rp, 6.30.8.1 NMAC, 9-30-08]

6.30.8.2 SCOPE: All public schools, charter schools, nonpublic schools, home schools and schools or institutions that serve delinquent children and youth who are detained temporarily or who are committed for long-term care and rehabilitation. This rule does not apply to the use of technologies or methods used in distance learning programs when such technology or methods are used within a regular classroom setting solely to supplement or aid classroom instruction.
[6.30.8.2 NMAC - Rp, 6.30.8.2 NMAC, 9-30-08]

6.30.8.3 STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2, 22-13-1.1, and 22-30-1 et seq. NMSA 1978.
[6.30.8.3 NMAC - Rp, 6.30.8.3 NMAC, 9-30-08]

6.30.8.4 DURATION: Permanent
[6.30.8.4 NMAC - Rp, 6.30.8.4 NMAC, 9-30-08]

6.30.8.5 EFFECTIVE DATE: September 30, 2008, unless a later date is cited at the end of a section.
[6.30.8.5 NMAC - Rp, 6.30.8.5 NMAC, 9-30-08]

6.30.8.6 OBJECTIVE: This rule establishes requirements for statewide and locally administered distance learning courses taken for credit or for a grade by distance learning students enrolled in public school districts, charter schools, state-supported schools, nonpublic schools, and home schools, and for children and youth detained or committed to juvenile detention facilities or other facilities for the long-term care and rehabilitation of delinquent children and youth, as well as for professional development opportunities for teachers, instructional support providers and administrators.
[6.30.8.6 NMAC - Rp, 6.30.8.6 NMAC, 9-30-08]

6.30.8.7 DEFINITIONS:

- A. "Asynchronous instruction" means the course provider and the distance-learning student do not interact at the same time and can, but need not, utilize the internet.
- B. "Council on technology in education" means the council established pursuant to the Technology for Education Act [22-15A-5 NMSA 1978], which advises the department on implementing educational technology, promotes the collaborative development and implementation of educational technologies, develops and recommends a statewide plan to the department related to educational standards, and provides assistance to the department in reviewing school district technology plans to support on-site and distance learning.
- C. "Course provider" means a person, institution, or organization that supplies educational course content for distance learning courses.
- D. "Department" means the public education department.
- E. "Distance learning" means the technology and educational process used to provide instruction for credit or grade when the course provider and the distance-learning student are not necessarily physically present at the same time or place. Distance learning does not include educational software that utilizes only on-site teaching.
- F. "Distance learning course" means an educational course that is taught where the student and primary instructor are separated by time or space and linked by technology.
- G. "Distance learning irregularities" means any circumstances within or beyond the control of a local distance learning site that in the opinion of the department or a local distance learning site raises doubts about the propriety of procedures followed, preparation or validity of materials, testing administration, testing security, online security, or teacher or student conduct.
- H. "Distance learning student" means a qualified student as defined in 22-8-2 NMSA 1978 who is enrolled in one or more distance learning courses for credit.
- I. "District coordinator" means the superintendent or designee who administers and monitors the distance learning program in a public school district or charter school.
- J. "Dual credit course" means a program of studies that allows high school students to enroll in college-level courses offered by public post-secondary educational institutions that may be academic or career-technical in nature, but may not be remedial or developmental, and through which students can simultaneously earn credit toward high school graduation and a post-secondary degree or certificate.
- K. "Enrolling district" means the school district or charter school in which a distance-learning student is enrolled for the purposes of compulsory attendance. Students shall have only one enrolling district for purposes of membership.
- L. "HED" means the higher education department.
- M. "Innovative digital education and learning-New Mexico" or IDEAL-NM means the operating program for the administration and management of the statewide cyber academy.
- N. "Local board" means the policy-setting body of a school district or the governing structure of a charter school as set forth in the school's charter.
- O. "Local distance learning site" means a public school district or charter school that offers and grants credit for distance learning courses to distance learning students enrolled in public school districts, charter schools or contracted nonpublic schools.
- P. "Membership" means the total number of qualified students as defined in 22-8-2 NMSA 1978.
- Q. "Online" or "web based" means utilizing the internet.
- R. "Public school" means that part of a school district that is a single attendance center in which instruction is offered by one or more teachers and is discernible as a building or group of buildings generally recognized as either an elementary, middle, junior high or high school or any combination of those and includes charter schools.
- S. "Qualified distance learning student" means a qualified student as defined in 22-8-2 NMSA 1978, who is also participating in distance learning courses for credit or a grade.
- T. "REC" means regional education cooperative.
- U. "Regional host" means an educational institution, school district or other entity selected by IDEAL-NM to coordinate the delivery of distance learning courses within a broad geographic region of the state.
- V. "Site coordinator" means a licensed school employee with the responsibility to facilitate student completion of online courses, including services related to student registration, monitoring student progress, communicating with online providers, and ensuring that grades are recorded on transcripts. Site coordinators shall not include substitute teachers.
- W. "Statewide cyber academy" means the collaborative program among the department, HED, telecommunications networks and representatives of other state agencies engaged in providing distance education. The statewide cyber academy operates as IDEAL-NM.
- X. "Student" means a qualified student as defined in 22-8-2 NMSA 1978.
- Y. "Synchronous instruction" means the instructor and students interact at the same time, even though they might not be in the same physical location. Synchronous instruction includes:
 - (1) web-based instruction, including web conferencing, that requires real time interaction between instructor and student;
 - (2) two way interactive video;
 - (3) traditional face-to-face classroom instruction; and
 - (4) telephone based instruction.

[6.30.8.7 NMAC - Rp, 6.30.8.7 NMAC, 9-30-08]

6.30.8.8 GENERAL PARAMETERS:

- A. Distance learning courses provide an opportunity for schools within the state to expand their course offerings and expand access to learning resources. While distance learning technologies may occasionally be used as full-time educational programming for students in unusual circumstances, asynchronous distance learning shall not be used as a substitute for all direct, face-to-face student and teacher interactions unless approved by the local board of education.

- B. Local distance learning sites shall provide onsite access to the necessary technology for participation in distance learning courses involving internet-based instruction.
- C. Local distance learning sites shall provide accompanying electronic formats that are usable by a person with a disability using assistive technology, and those formats shall be based on the American standard code for information interchange, hypertext markup language, and extensible markup language.
- D. Districts and charter schools shall inform students about the distance-learning courses available to them.
- E. Qualified distance-learning students must receive grades or academic credits for taking a distance learning course unless not taken for credit. Public school districts and charter schools entering into written agreements with each other for distance learning courses shall determine through such agreements which entity or institution shall be responsible for granting students' grades and credits. Should a district or charter school determine that a student fails to comply with any provision of this rule or the local distance learning site's policies, in addition to any other disciplinary actions, the student may be denied credit for the distance-learning course or program in which the student was participating.
- F. Should a local distance learning site fail to comply with this rule, the department may disapprove membership based on student enrollment in the distance learning courses or programs.

[6.30.8.8 NMAC - Rp, 6.30.8.8 NMAC, 9-30-08]

6.30.8.9 PARTICIPATION AND MONITORING:

A. In order to participate in distance-learning courses, a public school student must be enrolled in a public school district, charter school, state institution or educational program conducted in a state institution and must have the written permission of the student's enrolling district, charter school, state institution or educational program conducted in a state institution.

B. School districts and charter schools providing distance-learning courses to students statewide shall enter into written agreements with students' enrolling districts or charter schools prior to providing distance-learning courses to students. The agreements shall, at a minimum, include:

- (1) the courses to be delivered;
- (2) the delivery period;
- (3) the financial arrangements;
- (4) support mechanisms needed in behalf of students;
- (5) state assessment responsibilities on behalf of students;
- (6) identification of the responsible entity and timelines for granting grades and credit; and
- (7) a statement of assurance that all distance learning courses meet or exceed state content standards with benchmarks and performance standards and are taught by highly-qualified teachers.

C. If a student participates in a distance learning course offered by a district or charter school other than the student's enrolling district, the student shall be counted only once as a qualified student for state equalization guarantee funding purposes as defined in 22-8-2 NMSA 1978, and for determining membership in the student's enrolling district. Any reimbursement for cross-district participation for distance learning courses shall be arranged between the districts or charter schools through signed written agreements.

D. Qualified distance learning students participating in asynchronous distance learning courses must log on to their distance learning courses at least the same number of days per week as the traditional face-to-face classes occur at the schools in which they are enrolled, and certify that they are the enrolled students. Students participating in synchronous distance learning courses shall log on to their computers at the scheduled class times and certify that they are the enrolled students.

E. Each qualified distance learning student participating in a distance learning course or program shall be evaluated, tested and monitored and shall be subject to the statewide assessments as required in the Assessment and Accountability Act. No student shall be allowed to participate in the statewide assessments at a place other than a department authorized site.

F. A qualified distance learning student may participate in and receive credit or a grade for a distance learning course that is at a different grade level than the student's current grade level. If allowed by district policy, a student may retake a course to earn a higher grade. However, credit cannot be earned twice for the same course.

G. Students enrolled in nonpublic schools and home school students may participate in distance learning courses as provided in section 11 of 6.30.8 NMAC.
[6.30.8.9 NMAC - Rp, 6.30.8.9 NMAC, 9-30-08]

6.30.8.10 STATE DISTANCE EDUCATION SERVICES:

A. The department and HED shall create and maintain a single central facility for statewide distance education services in New Mexico known as IDEAL-NM in cooperation with RECs, public school districts, charter schools, and post-secondary institutions to facilitate the delivery of distance learning courses statewide for students, training courses for state agency employees, and professional development courses for teachers, instructional support providers and school administrators. IDEAL-NM shall, at a minimum, provide distance learning courses for grades 6-12. Training courses for state agency employees and professional development courses for teachers, instructional support providers and school administrators shall be provided as resources permit.

B. IDEAL-NM shall define and coordinate the roles and responsibilities of the collaborating agencies to establish a distance learning governance and accountability framework.

- (1) The department and HED shall administer IDEAL-NM operations.
- (2) The department and HED may establish an advisory council to recommend policies and procedures relative to the vision, goals, and implementation of distance learning course offerings by IDEAL-NM.

(3) The department shall ensure that each distance learning course taught by IDEAL-NM meets state content standards with benchmark and performance standards. IDEAL-NM courses may be provided to schools and students pending department review, and during the time needed to make any revisions required by the department.

C. IDEAL-NM shall develop and maintain a distance education services plan that is statewide in scope and that contains short- and long-term goals that supports the work of the council on technology in education.

D. IDEAL-NM shall provide technology and program support to regional hosts and local distance learning sites via help desk, academic service, student service, and outreach training.

E. IDEAL-NM shall only use teachers who meet the highly qualified teacher requirements of the Elementary and Secondary Education Act of 1965 [20 U.S. Code 6301], or who are public post-secondary faculty members.

F. Cost allocation:

(1) IDEAL-NM shall annually establish per-semester course fees, subject to department approval, which shall be paid on behalf of students taking distance-learning courses through IDEAL-NM.

(2) The course fees shall be collected and used for teacher compensation and other per-course costs.

(3) Post-secondary educational institutions may charge tuition for distance learning courses in accordance with their fee structures except for high school students enrolled in credit courses as provided in 21-1-1.2 NMSA 1978.

(4) IDEAL-NM may charge districts or teachers for the per-course costs associated with the delivery of professional development distance learning opportunities for teachers.

(5) IDEAL-NM may charge state agencies or employees for the per-course costs associated with the delivery of agency training courses for employees.

(6) IDEAL-NM may enter into agreements with districts, charter schools and state agencies to waive course fees in exchange for online teaching or other provided services.

(7) The department shall create an intergovernmental agreement for districts and charter schools desiring to enroll students in IDEAL-NM courses. Participation in IDEAL-NM courses is contingent upon the district or charter school signing the intergovernmental agreement.

G. IDEAL-NM shall comply with all federal and state statutes pertaining to student privacy, the posting of images on the internet, copyright, or duplication of materials, and rules pertaining to the public broadcasting of audio and video technology.

H. IDEAL-NM shall report online coursework completed by students to the enrolling districts, which, in turn shall award grades and credits according to local standards.

I. Schools shall release student demographic and course completion information to IDEAL-NM for statistical purposes.

J. IDEAL-NM shall facilitate the delivery of online dual credit courses in accordance with the provisions of dual credit rules as per 5.55.4 NMAC and 6.30.7 NMAC.

K. IDEAL-NM shall provide an annual report to the secretaries of the department and HED, the legislative education study committee and legislative finance committee.

[6.30.8.10 NMAC - N, 9-30-08]

6.30.8.11 PARTICIPATION IN IDEAL-NM:

A. Students enrolled in nonpublic schools may participate in the distance learning courses offered by IDEAL-NM if the school in which the student is enrolled enters into a contract with the school district in which the nonpublic school is located. Nonpublic schools participating in distance learning shall pay the same per-semester course fee that school districts must pay to IDEAL-NM.

B. Home school students may participate in the distance learning courses offered by IDEAL-NM by enrolling for one-half or more of the minimum course requirements approved by the department for public school students in the school district in which the student resides; or, if the student is enrolled for less than one-half of the minimum course requirements, the student may participate in distance learning courses offered by IDEAL-NM by paying to the public school district where the student is located, or directly to the department, not more than thirty-five percent of the current unit value per curricular unit.

C. A student who is detained in or committed to a juvenile detention facility or a facility for the long-term care and rehabilitation of delinquent children may participate in the distance learning courses offered by IDEAL-NM if the facility in which the student is enrolled enters into a written agreement with the school district in which the facility is located, or directly with the department.

[6.30.8.11 NMAC - N, 9-30-08]

6.30.8.12 LOCAL POLICIES REGARDING DISTANCE LEARNING COURSES:

A. All local school boards and charter school governing authorities shall adopt written policies providing for student access to distance learning courses. The policies shall, at a minimum, include procedures for:

- (1) designating a district coordinator and a school site coordinator; charter schools may designate school site coordinators only;
- (2) designating a school official to approve or disapprove students' requests to participate in any distance learning courses or programs for credit or a grade pursuant to criteria established by local school board or charter school governing authority policy;
- (3) assigning scheduled class periods during the school day that correspond to the number of distance learning courses students are taking while making it possible for students to maintain a class schedule which incorporates both distance learning courses and locally scheduled classes without conflict;
- (4) monitoring student progress;
- (5) ensuring compliance with all federal and state statutes pertaining to student privacy, the posting of images on the internet, copyright or duplication of materials, and rules pertaining to the public broadcasting of audio and video technology;
- (6) ensuring the security of individual student data and records under the Family Educational Rights and Privacy Act [20 U.S. Code 1232g];
- (7) ensuring that all teachers of distance learning courses meet the highly qualified teacher requirements of the current authorization of the Elementary and Secondary Education Act of 1965 [20 U.S. Code 6301];
- (8) establishing the written criteria and approval process for determining the appropriateness of particular distance learning courses for each individual student prior to student enrollment in distance learning courses; including that all core curriculum delivered by distance learning courses must meet or exceed the state content standards with benchmarks and performance standards; and
- (9) determining the process for the prompt removal or non-use of a distance learning course provider should irregularities or deficiencies in the provider's services become apparent.

B. Districts and charter schools which utilize a distance learning option not provided by IDEAL-NM must provide documentation to the local school board that the distance learning course meets the state content standards with benchmarks and performance standards.

[6.30.8.12 NMAC - N, 9-30-08]

6.30.8.13 SEVERABILITY: If any part or application of this rule is held invalid by a court of competent jurisdiction, the remainder or its application to other situations shall not be affected.

[6.30.8.13 NMAC - N, 9-30-08]

HISTORY OF 6.30.8 NMAC:

History of Repealed Material:

6.30.8 NMAC, Distance Learning, filed 12-28-2006 - Repealed effective 9-30-08.