

**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  
[6.30.8.1 NMAC - N, xxx]

**6.30.8.2            SCOPE:** All public schools, including charter schools, and state supported educational institutions. 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 the classroom instruction.  
[6.30.8.2 NMAC - N, xxx]

**6.30.8.3            STATUTORY AUTHORITY:** Sections 22-2-1, 22-2-2, and 22-13-27 NMSA 1978.  
[6.30.8.3 NMAC - N, xxx]

**6.30.8.4            DURATION:** Permanent  
[6.30.8.4 NMAC - N, xxx]

**6.30.8.5            EFFECTIVE DATE:** xxx, unless a later date is cited at the end of a section.  
[6.30.8.5 NMAC - N, xxx]

**6.30.8.6            OBJECTIVE:** This rule establishes requirements for distance learning programs taken for credit by students enrolled in a school district.  
[6.30.8.6 NMAC - N, xxx]

**6.30.8.7            DEFINITIONS:**

A.        "Asynchronous instruction" means the instructor and student are not interacting in real time and can, but need not, utilize the internet.

B.        "Charter school district" means an existing school district that operates under a charter approved by the department, that is nonreligious, that does not charge tuition and that does not have admission requirements in addition to those found in the Public School Code

C.        "Department" means the public education department.

D.        "Distance learning" means the technology and educational process used to provide instruction when the student and primary instructor are not necessarily physically present at the same time and/or place.

E.        "Distance learning center" means any public school, school district or charter school providing distance learning classes.

F.        "Distance Learning Irregularities" means any circumstance within or beyond the control of a distance learning center that in the opinion of the department or a distance learning center raises doubts about the propriety of procedures followed, preparation of materials, testing administration, testing security, online security, or teacher or student conduct.

G.        "District coordinator" means a staff person at the school district level who shall administer and monitor the online program for the school district.

H.        "Enrolling district" means the school district or charter school in which a student is enrolled for the purposes of compulsory attendance.

I.        "Homebound instruction" means instruction based in a student's home per a disabled student's IEP.

J.        "IEP" means Individualized Educational Plan.

K.        "MEM" means membership.

L.        "Membership" means the total number of qualified students as defined in NMSA 1978, Section 22-8-2.

M.        "Online" or "web based" means utilizing the internet.

N.        "Primary enrolling district" means the school district or charter school in which the student is registered; students shall only have one primary enrolling district for purposes of membership.

O.        "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 a charter school.

P. "Real time" interaction means live instruction that occurs between instructor and students, although the individuals need not be physically present in the same location at the same time.

Q. "Short-term medical condition" means a medical condition lasting no more than one semester.

R. "Site coordinator" means a licensed counselor or teacher at a public school, including but not limited to a charter school, who shall monitor the progress of students participating in the online program at that school.

S. "Student" is a qualified student as defined in NMSA 1978, Section 22-8-2.

T. "Synchronous instruction" means the instructor and students interact in real time. Synchronous instruction includes:

- (1) regular classroom instruction;
- (2) two way interactive video;
- (2) telephone based instruction; and
- (3) web based instruction that requires real time interaction between instructor and student.

[6.30.8.7 NMAC - N, xxx]

#### **6. 30.8.8 GENERAL PARAMETERS:**

A. Distance learning shall be used as a method by which the public schools within the state can expand their course offerings and expand access to instructional resources. These technologies shall not be used as a substitute for all direct, face-to-face student and teacher interactions, but as a means for local school districts and charter schools to expand the learning resources available to their students.

B. Distance learning centers shall provide onsite access to the necessary technology to participate in all distance learning classes or programs.

C. Distance learning centers 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. All distance learning classes shall be physically attended at a distance learning center with the following exceptions:

- (1) when a student is receiving homebound instruction per their IEP due to a disability;
- (2) when every student in a distance learning center has been issued a laptop, and there is a school closure, and the scheduled class is synchronous; or
- (3) when the site coordinator approves an exception, which shall be limited to short-term medical conditions or other temporary urgent situations, and shall be made on a case by case basis.

E. All local school boards and charter schools offering distance learning shall, prior to the offering of distance learning, adopt policies regarding distance learning which shall comply with the following parameters:

(1) The local school board shall be the sole entity granting student credit for completion of distance learning courses.

(2) Each district shall have a district coordinator and each school providing distance learning classes or programs shall have a site coordinator, who shall monitor students' work, except that if a distance learning program is provided by a charter school, the site coordinator shall have sole responsibility for monitoring the distance learning program in that charter school.

(3) The site coordinator of the school shall approve/disapprove all students' requests to participate in all distance learning courses or programs pursuant to criteria established by local school board policy.

(4) Distance learning centers shall adopt a class schedule consistent with the distance learning course provider's class schedule such that students will be able to maintain a course schedule which incorporates both distance learning classes and locally scheduled classes. Students must be able to consistently join classes on either schedule.

(5) Unless a student is receiving homebound instruction per their IEP due to a disability, students shall be permitted to take no more than four distance learning classes during a semester, no more than two of which may be asynchronous.

(6) District policy shall establish procedures for monitoring of student progress and graded assignments. The same grading policies applied to locally scheduled classes shall apply to distance learning classes.

(7) 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 shall be addressed by local board policy.

(8) The security of individual student data and records shall be addressed by school board policy. At a minimum, student record safeguards under the Family Educational Right to Privacy Act shall be followed.  
[6.30.8.8 NMAC - N, xxx]

**6.30.8.9 ENROLLMENT AND MONITORING:**

A. Only students who are regularly enrolled in a school district or charter school shall be allowed to enroll in distance learning courses for credit through a local school district.

B. Students must have a primary enrolling district. Should a student enroll in a distance learning course offered by a district other than the student's enrolling district, the student can only be counted as a qualified student for state equalization guarantee funding purposes as defined in Section 22-8-2 of the New Mexico Statutes Annotated for purposes of determining membership in the student's enrolling district. Any reimbursement for cross-district enrollment for distance learning courses shall be arranged between the districts through signed written documents.

C. Students enrolled in asynchronous distance learning courses must log onto their computers a minimum of four times per week and must certify that they are the enrolled student each time they log on to their computers. Students enrolled in synchronous distance learning courses shall log on to their computer at the scheduled class time and certify that they are the enrolled student.

D. Each student participating in a distance learning course or program shall be evaluated, tested and monitored at the same intervals as other students in the grade level in the student's school, 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 public school site.

E. A distance learning student may enroll in and receive credit for a distance learning class or program that is at a different grade level than the student's current grade level.  
[6.30.8.9 NMAC - N, xxx]

**6.30.8.10 COURSE REQUIREMENTS:**

A. Districts and charter schools shall ensure that all courses taught by New Mexico school personnel are taught by an appropriately licensed and endorsed primary instructor, and that all courses taught by an out of state or university instructor are affiliated with an accredited provider.

B. Districts and charter schools shall establish written criteria and an approval process adopted in written board policy for determining the appropriateness of particular distance learning course for individual students prior to student enrollment in such courses. All core curriculum must meet or exceed the New Mexico standards and benchmarks. Districts shall collect and keep on file course syllabi for all distance learning courses.

C. A distance learning student must receive a grade and academic credit for successfully completing the requirements of a distance learning course or program.  
[6.30.8.10 NMAC - N, xxx]

**6.30.8.11 DISTANCE LEARNING IRREGULARITIES:**

A. Each local school board and charter school shall adopt a written policy addressing removal or non-use of a distance learning provider should irregularities or deficiencies in the provider's services become apparent.

B. Should a distance learning center fail to comply with this rule, the department shall disapprove membership based on students' enrollment in the distance learning courses or programs.

C. Should a student fail to comply with this rule or the distance learning center's policies, in addition to other disciplinary actions which may be taken, the student may be denied credit for the distance learning course or program in which the student was enrolled.  
[6.30.8.11 NMAC - N, xxx]

History of 6.30.8 NMAC: [Reserved]