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Criteria, Responsibilities and Evaluation

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Eligibility requirements

To be included on the approved list of distance learning providers, applicants must meet the following criteria:

Program Type: Local schools accept completed proficiency of coursework and award credit for that work. The development of a 24-7 virtual school provides equitable access to all students.

Student Tracking: The management system for tracking students would have fields indicating enrollment in any online coursework for students. The tracking provides an accurate count of student activity in the online arena to address specific financial questions and student academic status.

Funding: Current rules require students to enroll for coursework through their local attendance center. The local school that a student is enrolled in receives the ADM state reimbursement.

Curriculum: The software curriculum can be developed by highly qualified instructional staff or purchased. The curriculum needs to be aligned with the state standards and meet or exceed federal expectations.

Equity & Access: Accommodations for students with disabilities need to be available. Federal law needs to be addressed.

Student Achievement: Current rules require registration at the local attendance center. Students have contacts at their home attendance center. The local attendance center identifies personnel (administration or counselor) to register, monitor, mentor and proctor assessments as per state rule. Online students would be required to take the state assessment.

Teachers: Federal mandates require highly qualified teachers. Distance teachers will meet state licensure and certification in the class or classes they teach. Professional preparation in the form of coursework delivery and yearly professional development to maintain effective distance instructional strategies should be considered.

Consistent Coursework: Provide educational coursework that is consistent with state academic standards. The South Dakota content standards are available on the South Dakota Department of Education's Web site at <http://doe.sd.gov/contentstandards/> .

Additionally, provider must:

- Provide letters of reference
- Be financially sound
- Provide course material that is available 24/7
- Provide parents of each student receiving coursework current information on the progress of the student
- Meet all applicable federal, state and local health, safety and civil rights laws
- Provide evidence of satisfactory background checks for all instructional staff

Responsibilities of distance learning providers

Entities included on the Department of Education's Approved Distance Learning Providers list are required to do the following:

- Ensure that the instruction provided is aligned with South Dakota academic achievement standards and, in the case of a student with disabilities, will coordinate with the district to assure that instruction is consistent with the student's individualized education program (IEP) under section 614(d) of the Individuals with Disabilities Education Act.
- Provide parents of students receiving coursework and the appropriate school with information on the progress of the student in increasing achievement in a format and, to the extent practicable, in a language that such parents can understand. Achievement reporting will be consistent with local district policies and timelines.
- Ensure that all individuals who will interact with students are fingerprinted and receive background checks pursuant to procedures set forth in South Dakota Codified Law 13-10-12.
- Submit to the South Dakota Department of Education a final written report that summarizes type of courses offered, the number and names of districts served, number of course registrations, completion rates and grade distributions.
- Respect the confidentiality of students in the program and share information on the student only with appropriate school personnel and parents.
- Meet all applicable federal, state and local health, safety and civil rights laws.
- Be financially sound and able to provide complete services to the student and the school.
- Collaborate with the local school to assure alignment to the student's instructional program and assist students in reaching the state's high academic content standards.
- Have liability insurance.
- Provide, if requested, copies of background checks of all employees/tutors to school districts.
- Enter into an agreement with the South Dakota Department of Education that includes:
 - A timetable for course achievement that, in the case of a student with disabilities, is consistent with the student's individual education program
 - A description of instructional format(s)
 - A description of how parents, teacher(s) and the school district will be regularly informed of student progress
 - Provisions for the termination of such agreement
 - Compliance with Family Educational Rights and Privacy Act
 - The qualifications of staff responsible for the delivery of the instructional program

Evaluation of providers

The South Dakota Department of Education must be confident that the awarded distance learning provider and product will perform and meet the needs of its students, teachers and educational leaders.

The department will evaluate and make an approval on the service provider that is the best value to the state's students, teachers and administrators, based on the criteria outlined on this Web site. All applications must be complete to be considered. If the application fails to conform to the requirements, the department reserves the right to consider the proposal a non-response.

The South Dakota Department of Education's evaluation process will approve the service provider based upon the best overall value presented in the submitted application. Factors considered will include, but not be limited to, conformance to requirements, financial viability, references, and service/support capabilities (customer service support, delivery capabilities, technology capabilities and reporting).

Monitoring

The South Dakota Department of Education is required to monitor the quality and effectiveness of the services offered by providers and to withdraw approval from providers that fail to contribute to increasing the academic proficiency of students to whom they provide services or that fail to meet any of the other provider requirements or assurances. Failing to operate in accordance with provider responsibilities outlined on this Web site or assurances will constitute grounds for immediate removal from the state-approved list.

The department has contracted with an external organization that has developed a monitoring system to determine the effectiveness of approved providers. Approved providers will be made aware of the requirements of the evaluation system.

Procedure

The South Dakota Department of Education (DOE) will use the following procedure for removal from the state-approved provider list.

Gathering Information

- DOE reviews submitted district and provider reports along with its own monitoring reports.
- DOE reviews evaluation reports from a third-party evaluator.
- Potential violations are cited.

- District and parent complaint through the district received by DOE.

Evaluation of Information

- Notification to provider of complaints and/or violations.
- DOE further investigates alleged violations.
- Committee convened to review findings if warranted. Recommendations provided to DOE.
- DOE renders decision for removal based upon findings and committee recommendations.

Resulting Action

- First violations for the provider will be noted, and the provider is informed of the decision.
- If the offense is the second violation in two years, the provider's approval status will be removed. Provider may appeal the decision through the appeals process.
- Decision and timeline for appeal process communicated to the provider.
- Removal from the state-approved provider list. Provider will be immediately notified.
- Districts will be immediately notified of provider's removal from state-approved list.
- Provider may reapply during the application next window.

Appeals Process

If a provider believes that removal from the state's approved distance learning provider list is unwarranted, due to statistical or other substantive reasons, the provider may submit evidence to the DOE to support such belief.

Appeal

- The provider will submit a letter and supporting evidence to the DOE indicating the appeal no later than 10 working days after receipt of the notice of removal.
- The Department of Education will review the evidence provided.
- Based on the evidence, the Department of Education may either rescind or retain its decision to remove the provider from the list.
- If the decision for removal stands, the Department of Education will activate the appeals committee and inform the provider of details of the appeals committee review.

Appeals Committee Review

- The provider will be given the opportunity to present evidence in person, by written correspondence, or by conference call to the appeals committee.
- The appeals committee will notify the Department of Education of its decision within 10 working days after the review.
- The appeals committee's decision is final.
- The Department of Education will notify the provider of the appeals committee's decision within 20 days of the review.

Appeals Committee

The appeals committee will consist of three to five members representing state practitioners with expertise in distance delivery programs. Members of the appeals committee will be neutral to the distance learning provider approval process. They are not part of the application approval process, nor represent a district where services from the provider have been used.

Timeline

Providers will be evaluated as warranted. If violations are cited, the appeals committee will be convened in a timely manner in order that removal from the state's approved provider list, if necessary, takes place prior to the start of the school year. Violations of certain requirements may constitute immediate removal. The South Dakota Department of Education retains the right to convene the review committee on an as-needed basis throughout the year.

Reporting

Virtual School providers are required to submit a final written report to the South Dakota Department of Education by June 15 of each year. The report will summarize type of courses offered, the number and names of districts served, number of course registrations, completion rates and grade distributions.

This information will be used to help determine if a provider will remain on the state-approved list. All state-approved providers are expected to provide documentation of communication with the parents and the local attendance area the student is assigned to of the academic progress of each student throughout the school year.

