

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 630**

BY SENATORS MANN, HALL AND SYPOLT

[Introduced March 16, 2017; Referred  
to the Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4 and §18-5F-5, all relating to  
 3 establishing the Accessibility and Equity in Public Education Enhancement Act; setting  
 4 forth legislative findings and purpose; defining terms; allowing a county board or a  
 5 multicounty consortium to create a virtual instruction program for one or more schools  
 6 serving any composition of grades kindergarten through twelve by adopting a policy  
 7 creating the program and contracting with virtual school providers; requiring students to  
 8 be counted in the net enrollment of the school district for the purposes of calculating state  
 9 aid, be subject to the same state assessment requirements as other students in the school  
 10 district and receive a diploma upon completing the virtual instruction program  
 11 requirements; exempting, to a limited extent, certain students, parents and school districts  
 12 from certain laws and state board policies that pertain to requiring the student to be in a  
 13 school building receiving instruction for any set period of time; providing that a participating  
 14 student be considered to be attending a certain school; allowing the student to participate  
 15 in any cocurricular and extracurricular activities of the school under the same requirements  
 16 imposed on traditional students attending the school; exempting a county board from  
 17 certain provisions of law or state board rule to the extent any conflict with the delivery of  
 18 the program; exempting a county board from certain online course restrictions; requiring  
 19 coursework offered through a program be aligned to certain academic standards; and  
 20 requiring the assessment results of a student be included in the assessment results of the  
 21 school in which the student is considered to be enrolled and the school district for purposes  
 22 of accountability.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4 and §18-5F-5, all to read as follows:

**ARTICLE 5F. ACCESSIBILITY AND EQUITY IN PUBLIC EDUCATION**

**ENHANCEMENT ACT.**

**§18-5F-1. Short title.**

1        This article shall be known and may be cited as the Accessibility and Equity in Public  
2 Education Enhancement Act.

**§18-5F-2. Legislative findings; purpose.**

1        (a) The Legislature finds and declares that:

2        (1) County school districts have called for more local control and flexibility to meet the  
3 education needs of their communities;

4        (2) Students, parents and teachers are seeking alternatives to the traditional classroom  
5 delivery of education that better meets the educational needs of students;

6        (3) Public schools should be able to provide a variety of instructional delivery models;

7        (4) The county school districts can enhance education opportunities for students, using  
8 technology;

9        (5) Using technology to deliver instruction can provide flexibility and increase options for  
10 instruction; and

11        (6) Giving county school districts the flexibility to create innovative programs will provide  
12 teachers with new instructional opportunities.

13        (b) The purpose of this article is to enhance access and equity in public education in West  
14 Virginia.

**§18-5F-3. Definitions.**

1        For the purposes of this article, unless a different meaning clearly appears from the  
2 context:

3        (a) “Blended program” means a formal education program in which a student learns:

4        (1) At least in part through online learning, with some element of student control over time,  
5 place, path or pace;

6        (2) At least in part in a supervised setting outside the home; and

7 (3) In such a way that the modalities of each student's learning path within a course or  
8 subject are connected to provide an integrated learning experience;

9 (b) "Eligible student" means a student eligible for attendance in public schools in a school  
10 district that provides a virtual instruction program, that is a member of a multicounty consortium  
11 providing a virtual instruction program or that does not provide a virtual instruction program and  
12 is not a member of a multicounty consortium, but participates through a collaborative agreement  
13 between the school district in which the student is enrolled in a school district or a multicounty  
14 consortium providing a virtual instruction program.

15 (c) "Multicounty consortium" means a written arrangement where two or more county  
16 boards act in concert to establish a virtual school that will serve eligible students.

17 (d) "Virtual instruction program" means a program implemented by a county board or  
18 multicounty consortium that provides a full-time online or blended program of instruction for  
19 students enrolled in grades kindergarten through twelve;

20 (e) "Virtual school" means a school that is public and offers educational services  
21 predominantly through an on-line program.

**§18-5F-4. County board policy adoption.**

1 (a) A county board or a multicounty consortium may create a virtual instruction program  
2 for one or more schools serving any composition of grades kindergarten through twelve by  
3 adopting a policy creating the program and contracting with virtual school providers. When there  
4 is a multicounty consortium, each county board in the consortium shall adopt a policy creating the  
5 virtual instruction program. The virtual instruction program may begin July 1, 2017, or at any point  
6 thereafter.

7 (b) The policy adopted by the county board pursuant to this section shall govern the virtual  
8 instruction program offered by the county board or multicounty consortium.

9 (c) The policy shall be consistent with this article and may offer students in grades  
10 kindergarten through twelve an online pathway for earning a high school diploma and, at a

11 minimum, shall include the following:

12 (1) The scope, instructional model and capacity for the virtual education program;

13 (2) Assessment protocol and specific requirements for monitoring performance required  
 14 pursuant to section five, article two-e of this chapter;

15 (3) Participation requirements; and

16 (4) Qualifications of faculty, which at a minimum shall include a teaching certificate issued  
 17 pursuant to article three, chapter eighteen-a of this code and state board rules.

**§18-5F-5. Compliance with existing state law.**

1 (a) A student enrolled in a virtual instruction program shall be:

2 (1) Counted in the net enrollment of the school district for the purposes of calculating state  
 3 aid;

4 (2) Subject to the same state assessment requirements as other students in the school  
 5 district; and

6 (3) Receive a diploma from the school district, upon completing the virtual instruction  
 7 program requirements.

8 (b) A student participating in a virtual instruction program is not required to comply with  
 9 compulsory school attendance requirements set forth in article eight of this code or any other  
 10 provision of law or state board rule relating to attendance.

11 (c) Neither the school district nor the parents of the student may incur any penalty or be  
 12 held accountable for the absence of the student from the school building;

13 (d) Neither a school district nor its students is required to comply with the instructional term  
 14 requirement set forth in section forty-five, article five of this chapter or any other law or state board  
 15 rule requiring a student to be in a school building receiving instruction for any set time.

16 (e) For the purposes of this article, a student participating in a virtual instruction program  
 17 is attending the school in the attendance district created by the county board pursuant to section  
 18 sixteen, article five of this chapter that he or she resides in unless otherwise transferred to another

19 school pursuant to that section or any other provision of this code. The student may participate  
20 in any cocurricular and extracurricular activities of that school, but is subject to the same  
21 requirements imposed on a traditional student attending the school.

22 (f) A county board is exempt from any provision of law or state board rule that applies to  
23 the traditional delivery of instruction such as requirements relating to the physical presence of a  
24 student, student monitoring and security, the maximum teacher-pupil ratio set forth in section  
25 eighteen-a, article five of this chapter, instructional time requirements and physical education  
26 requirements to the extent any of the foregoing conflict with the delivery of the virtual instruction  
27 program.

28 (g) A county board is not subject to online course restrictions imposed by the state board,  
29 state superintendent or the West Virginia Department of Education.

30 (h) Coursework offered through a virtual instruction program shall be aligned to the  
31 appropriate academic standards as required by state law and state board rule.

32 (i) The assessment results of a student shall be included in the assessment results of the  
33 school in which the student is enrolled pursuant to this section and the school district for purposes  
34 of accountability.

NOTE: The purpose of this bill is to establish the Accessibility and Equity in Public Education Enhancement Act. The bill allows a county board or a multicounty consortium to create a virtual instruction program for one or more schools serving any composition of grades K-12 by adopting a policy creating the program and contracting with virtual school providers. The bill requires students to be counted in the net enrollment of the school district for the purposes of calculating state aid, be subject to the same state assessment requirements as other students in the school district and receive a diploma upon completing the virtual instruction program requirements. The bill exempts to a limited extent certain students, parents and school districts from certain laws and state board policies that pertain to requiring the student to be in a school building receiving instruction for any set period of time. The bill provides that a participating student be considered to be attending a certain school and allows the student to participate in any cocurricular and extracurricular activities of the school under the same requirements imposed on traditional students attending the school. The bill requires coursework offered through a program be aligned to the appropriate academic standards. “Finally, the bill requires the assessment results of a student be included in the assessment results of the school in which the student is considered enrolled and the school district for purposes of accountability.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.