

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

**House Bill 2807**

By Delegate Foster

[Introduced January 19, 2023; 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 §18-5H-1, §18-5H-2, §18-5H-3, and §18-5H-4, all relating to the Virtual Public  
 3 School's Act; providing a short title and declaration of intent; including definitions; and  
 4 providing accountability requirements.

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

**ARTICLE 5H. VIRTUAL PUBLIC SCHOOLS ACT.**

**§18-5H-1. Short title.**

1 This article is and may be cited as the "Virtual Public Schools Act."

**§18-5H-2. Legislative finding and declaration of intent.**

1 The Legislature finds that families are entitled to an alternative to access additional  
 2 educational resources to improve academic achievement and to equitable treatment and  
 3 resources as any other public school in the state. It is the intent of the Legislature to recognize a  
 4 virtual school as an independent public school in which the school uses technology in order to  
 5 deliver a significant portion of instruction to its students via the internet in a virtual or remote  
 6 setting. Nothing in this article shall preclude the use of computer-based and internet-based  
 7 instruction for students in a virtual or remote setting.

**§18-5H-3. Definitions.**

1 "Sponsor" means the public school district, charter school board, or state department  
 2 having a fiduciary responsibility for the operation of the virtual school.

3 "Virtual school" means an independent public school in which the school uses technology  
 4 in order to deliver a significant portion of instruction to its students via the internet in a virtual or  
 5 remote setting.

**§18-5H-4. Accountability requirements.**

1 (a) Sponsor. -- A virtual school shall be evaluated annually by its sponsor based on the  
 2 following criteria:

3 (1) The extent to which the school demonstrates increases in student achievement

4 according to the goals of its authorizing contract and state academic standards.

5 (2) The accountability and viability of the virtual school, as demonstrated by its academic,  
6 fiscal, and operational performance.

7 (b) Student and Family:

8 (1) Each student will have access to a sequential curriculum that meets or exceeds the  
9 state's academic standards and that has an interactive program with significant standards and that  
10 has an interactive program with significant online components.

11 (2) Each student will be required to have 900 hours of learning opportunities per academic  
12 year, or a student has demonstrated mastery as completion of appropriate subject areas.

13 (3) Each student will be assessed regularly in language Arts, Math, Science, and Social  
14 Studies.

15 (4) For each family with a student enrolled, the virtual school shall:

16 (A) Provide instructional materials;

17 (B) Ensure access to necessary technology such as a computer and printer; and

18 (C) Ensure access to an internet connection used for schoolwork.

19 (c) Teacher. -- Each teacher shall be qualified to teach in the State of West Virginia under  
20 existing law.

21 (d) Offices and facilities. -- A virtual school shall maintain an administrative office within the  
22 state in which its sponsor is located, which shall be considered its principal place of business.

23 (e) Open enrollment. -- Any student who meets state residency requirements may enroll in  
24 a virtual school.

NOTE: The purpose of this bill is to create the Virtual Public Schools Act. The bill provides a short title, legislative findings and declaration of intent, and definitions. The bill also provides accountability requirements.

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