

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2108

By Delegate C. Pritt

[Introduced January 11, 2023; Referred to the
Committee on Education then the Judiciary]

1 A BILL to amend and reenact §18-5F-4 of the Code of West Virginia, 1931, as amended, relating
2 to prohibiting county boards of education from restricting parents from monitoring virtual
3 instruction programs; and providing for injunctive relief.

Be it enacted by the Legislature of West Virginia:

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

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

1 (a) A county board or a multicounty consortium may create a virtual instruction program for
2 one or more schools serving any composition of grades kindergarten through twelve by adopting a
3 policy creating the program and after adopting the policy may contract with virtual school
4 providers. When there is a multicounty consortium, each county board in the consortium shall
5 adopt a policy creating the virtual instruction program. The virtual instruction program may begin
6 July 1, 2017, or at any point thereafter: *Provided, That*, notwithstanding any other provision of this
7 article to the contrary, no eligible students in grades kindergarten through five may participate in a
8 virtual instruction program until after the program has been in operation for one full school year.

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

11 (c) The policy shall be consistent with this article and may offer eligible students in grades
12 kindergarten through twelve an online pathway for earning a high school diploma and, at a
13 minimum, shall include the following:

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

15 (2) Assessment protocol and specific requirements for monitoring performance that are
16 consistent with §18-2E-5 of this code;

17 (3) A plan for monitoring students receiving virtual instruction in accordance with pacing
18 and completion of the required virtual coursework: *Provided, That*, if virtual instruction occurs in a

public school classroom then a teacher, professional personnel, professional educator or paraprofessional employed by that county must be present to monitor;

(4) Qualifications of faculty, which at a minimum shall include a teaching certificate issued pursuant to §18A-3-1 *et seq.* of this code and state board rules; and

(5) A requirement that any virtual school provider contracted with comply with state and federal privacy laws.

(d) No county board or multicounty consortium shall restrict a parent from monitoring their child's virtual instruction. Any parent who is restricted or limited by a county board, multicounty consortium or a professional or paraprofessional employed by a county for virtual instruction may proceed to circuit court to seek injunctive relief and, if successful, shall receive all reasonable attorney's fees.

NOTE: The purpose of this bill is to prohibit county boards of education from restricting parents from monitoring virtual instruction programs, and to provide for injunctive relief.

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