WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2024 REGULAR SESSION

Introduced

House Bill 4604

By Delegate Foster

[Introduced January 11, 2024; Referred to the Committee on Education]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5H-1, §18-5H-2, §18-5H-3, and §18-5H-4, all relating to the Virtual Public School’s Act; providing a short title and declaration of intent; including definitions; and providing accountability requirements.

Be it enacted by the Legislature of West Virginia:

Article 5H. Virtual public schools act.

§18-5H-1. Short title.

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

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

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

§18-5H-3. Definitions.

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

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

§18-5H-4. Accountability requirements.

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

(1) The extent to which the school demonstrates increases in student achievement according to the goals of its authorizing contract and state academic standards.

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

(b) Student and Family:

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

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

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

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

(A) Provide instructional materials;

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

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

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

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

(e) Open enrollment. -- Any student who meets state residency requirements may enroll in 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.