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SENATE BILL NO. 598

Offered January 19, 2012

A *BILL* to amend the Code of Virginia by adding a section numbered 22.1-212.25:1, relating to public schools; virtual education.

Patrons—Newman and Barker

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-212.25:1 as follows:

§ 22.1-212.25:1. *Funding; calculation of state and local share for enrollment in virtual school programs.*

A. *Effective with the 2013-2014 school year, any student who enrolls full-time in a virtual school program served by a multidivision online provider outside his school division of residence shall have his state and local share of Standards of Quality per pupil funding transferred from the school division of residence to the enrolling school division. The per pupil funding transferred shall consist only of the Standards of Quality per pupil amounts of the resident school division that are distributed on the basis of March 31 average daily membership. No other state funds, or local share of funds from the resident division, shall be provided to the enrolling division for such students. The state share per pupil portion transferred shall be based on the resident division composite index and shall include the per child share of state sales tax funding in Basic Aid. The local share per pupil portion transferred shall be based on the resident division composite index and shall be further adjusted at 76 percent of the local share per pupil value. The total state and local share funds transferred from the resident division to the enrolling division shall not exceed \$6,500 per pupil. If the per pupil transfer would exceed \$6,500, the local share per pupil transfer amount shall be reduced so that the total state and local share per pupil funds equal \$6,500.*

B. *No local share per pupil transfer shall be made from the resident school division to the enrolling division for part-time nonpublic students who enroll as provided in subsection N of § 22.1-253.13:2 or for any student enrolling on a part-time basis in a virtual school program served by a multidivision online provider outside his school division of residence. The part-time enrollment provisions of subsection N of § 22.1-253.13:2 shall apply when nonpublic students enroll in a virtual school program served by a multidivision online provider outside their school division of residence.*

C. *Students residing in a division who enroll on a full-time basis in a virtual school program served by a multidivision online provider outside the division shall not be counted in the March 31 average daily membership or fall membership. Such students shall not be counted in the required local effort of the resident division required to meet actual need. Such students shall be counted in the required local effort of the enrolling division based on March 31 average daily membership.*

D. *The state and local share Standards of Quality per pupil funding transferred from the resident school division shall be provided for eligible students based on their March 31 average daily membership counted in the enrolling division. The Department of Education shall pay the state share per pupil funding directly to the enrolling division semimonthly. Such state share per pupil funding shall be based on the Standards of Quality per pupil funding enacted in the current appropriation act. The division superintendent of the enrolling division shall certify on a monthly basis each school year the number of students it has enrolled from outside the division in its multidivision online provider virtual school program and the legal residence of such enrolled students. Based upon such monthly certification, the enrolling division shall invoice the affected resident school divisions on a monthly basis in order for a one-month portion of the local share per pupil amount to be transferred from the resident division to the enrolling division. The resident school division shall transfer the certified monthly local share per pupil payment to the enrolling division within 30 calendar days of the receipt of the monthly invoice from the enrolling division. Such monthly local share per pupil funding shall be based on the Standards of Quality per pupil funding enacted in the current appropriation act. The monthly local share per pupil amount transferred shall be prorated for the portion of the month that a student was not enrolled in the virtual school program served by a multidivision online provider outside his school division of residence.*

E. *Any student who intends to enroll full time in a virtual school program served by a multidivision online provider outside his school division of residence for the next school year must notify the school division of residence of his intent to do so by April 1 each year, in order to be eligible to have the state and local share of Standards of Quality per pupil funding transferred from the school division of*

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59 residence to the enrolling school division in the next school year. For any student who enrolls full time
60 in a virtual school program served by a multidivision online provider within his school division of
61 residence, the resident school division shall receive state funding for such student on the same basis as
62 other students in the school division, and such student shall be included in the required local effort of
63 the division based on March 31 average daily membership.

64 F. Students who are enrolled on a full-time basis in a virtual school program served by a
65 multidivision online provider shall be excluded from the calculation of instructional costs of the
66 Standards of Quality in each biennium. Any student who enrolls full time in a virtual school program
67 served by a multidivision online provider outside his school division of residence shall be enrolled in a
68 school in the enrolling division and such school shall be responsible for any federal and state
69 accountability requirements applicable to such students
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