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SENATE BILL NO. 1300

Offered January 16, 2013

A *BILL to amend and reenact § 22.1-212.24 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-212.25:1, relating to public schools; virtual education.*

Patron—Barker

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-212.24 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-212.25:1 as follows:

§ 22.1-212.24. Approval of multidivision online providers; contracts with local school boards.

A. The Superintendent of Public Instruction shall develop, and the Board of Education shall approve, (i) the criteria and application process for approving multidivision online providers; (ii) a process for monitoring approved multidivision online providers; (iii) a process for revocation of the approval of a previously approved multidivision online provider; and (iv) an appeals process for a multidivision online provider whose approval was revoked or whose application was denied. The process developed under this subsection shall require approvals and revocations to be determined by the Superintendent of Public Instruction, and either the denial of an application or revocation of approval may be appealed to the Board of Education for review. The approval of a multidivision online provider under this section shall be effective until the approval is revoked, for cause, pursuant to the terms of this section. Any notice of revocation of approval of a multidivision online provider or rejection of an application by a multidivision online provider shall state the grounds for such action with reasonable specificity and give reasonable notice to the multidivision online provider to appeal. These criteria and processes shall be adopted by January 31, 2011.

B. In developing the criteria for approval pursuant to subsection A, the Superintendent of Public Instruction shall (i) require multidivision online providers to be accredited by a national, regional, or state accreditation program approved by the Board; (ii) require such courses or programs, pupil performance standards, and curriculum to meet or exceed any applicable Standards of Learning and Standards of Accreditation; (iii) require any educational objectives and assessments used to measure pupil progress toward achievement of the school's pupil performance standards to be in accordance with the Board's Standards of Accreditation and all applicable state and federal laws; ~~and~~ (iv) require such courses or programs to maintain minimum staffing requirements appropriate for virtual school programs; *and (v) consider the statewide pricing schedule developed pursuant to subsection D.*

C. Local school boards may enter into contracts, consistent with the criteria approved by the Board pursuant to this section, with approved private or nonprofit organizations to provide multidivision online courses and virtual school programs. Such contracts shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. The Department of Education, with the assistance of the Department of General Services, shall establish statewide pricing schedules for full-time virtual school programs offered by multidivision online providers approved by the Board of Education. Such pricing schedules shall establish a maximum per pupil price that multidivision online providers may charge a local school board for a full-time virtual school program but shall not include any other terms or conditions affecting a local school board's contract with a multidivision online provider, shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.), and shall be updated periodically to reflect changes in program offerings and costs or as new multidivision online providers are approved by the Board of Education. In contracting with multidivision online providers for full-time virtual school programs pursuant to subsection C, local school boards may use such pricing schedules or may negotiate their own pricing with multidivision online providers.

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

A. Effective with the 2014-2015 school year, any local school division that offers a full-time virtual school program through an approved multidivision online provider may require that students within the school division who choose to enroll in a virtual school program enroll in such approved program. State and local funding for students enrolled in a full-time virtual school program served by an approved multidivision online provider offered by the local school division in which they reside shall be the same as for any other student in that school division.

If a local school division offers a full-time virtual program that does not meet the approval criteria

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59 developed for multidivision online providers pursuant to § 22.1-212.24, students in such school division
60 may choose to enroll in any virtual school program offered by an approved multidivision online
61 provider in the Commonwealth.

62 B. Effective with the 2014-2015 school year, any student who resides in a local school division that
63 does not offer a full-time virtual school program served by an approved multidivision online provider
64 may choose to enroll in any virtual school program served by an approved multidivision online provider
65 in the Commonwealth. The state and local funding for any such student shall be provided to the
66 enrolling school division as follows:

67 1. The state share per pupil funding provided shall be based on the resident division composite index
68 and shall include the resident division's per child share of state sales tax funding in basic aid.

69 2. The local share per pupil funding transferred from the resident division to the enrolling division
70 shall be 76 percent of the local share per pupil based on the resident division composite index.

71 3. In no case shall the total state and local share per pupil funding provided to the enrolling
72 division exceed the actual per pupil cost of the virtual school program. If the total state and local share
73 per pupil funding provided to the enrolling division exceeds the actual cost, the local share per pupil
74 amount shall be reduced first. If the actual per pupil cost of the virtual program is less than the state
75 share, the state per pupil share transferred to the enrolling school division shall be reduced to the
76 actual per pupil cost.

77 C. Students residing in a division who enroll on a full-time basis in a virtual school program served
78 by a multidivision online provider outside the division shall not be counted in the March 31 average
79 daily membership or fall membership of the resident division. Such students shall be counted in the
80 required local effort of the resident division.

81 D. The state and local share Standards of Quality per pupil funding of the resident school division
82 shall be provided for eligible students based on their March 31 average daily membership counted in
83 the enrolling division. The Department of Education shall pay the state share per pupil funding directly
84 to the enrolling division on a semimonthly basis. Such state share per pupil funding shall be based on
85 the Standards of Quality per pupil funding enacted in the current appropriation act. The division
86 superintendent of the enrolling division shall certify on a quarterly basis each school year the number of
87 students enrolled from outside the division in its multidivision online provider virtual school program
88 and the legal residence of such enrolled students. Based upon such quarterly certification, the enrolling
89 division shall invoice the affected resident school divisions on a quarterly basis in order for a
90 one-quarter portion of the local share per pupil amount to be transferred from the resident division to
91 the enrolling division. The resident school division shall transfer the certified quarterly local share per
92 pupil payment to the enrolling division within 30 calendar days of the receipt of the quarterly invoice
93 from the enrolling division. Such quarterly local share per pupil funding shall be based on the
94 Standards of Quality per pupil funding enacted in the current appropriation act. The quarterly local
95 share per pupil amount transferred shall be prorated for the portion of the quarter that a student was
96 not enrolled in the virtual school program served by a multidivision online provider outside his school
97 division of residence.

98 E. Any student who intends to enroll full time in a virtual school program served by a multidivision
99 online provider outside his school division of residence for the next school year must notify the school
100 division of residence of his intent to do so by August 15 each year, in order to be eligible to have the
101 state and local share of Standards of Quality per pupil funding of the school division of residence
102 provided to the enrolling school division in the next school year. For any student who enrolls full time
103 in a virtual school program served by a multidivision online provider within his school division of
104 residence, the resident school division shall receive state funding for such student on the same basis as
105 other students in the school division, and such student shall be included in the required local effort of
106 the division based on March 31 average daily membership.

107 F. Students who are enrolled on a full-time basis in a virtual school program served by a
108 multidivision online provider shall be excluded from the calculation of instructional position costs of the
109 Standards of Quality in budgeting for each state biennial budget. Any student who enrolls full time in a
110 virtual school program served by a multidivision online provider outside his school division of residence
111 shall be enrolled in a school in the enrolling division and such school shall be responsible for any
112 federal and state accountability requirement applicable to such students.

113 2. That for the 2014-2015 school year, any student who intends to enroll full time in a virtual
114 school program served by a multidivision online provider outside his school division of residence
115 for the next school year must notify the school division of residence of his intent to do so by
116 November 15, 2013, and that for the 2015-2016 school year, any student who intends to enroll full
117 time in a virtual school program served by a multidivision online provider outside his school
118 division of residence for the next school year must notify the school division of residence of his
119 intent to do so by November 15, 2014.

120 3. That the provisions of this act shall not apply to any student currently enrolled in a full-time

121 virtual program offered through a local school division outside of his school division of residence,
122 for as long as the student remains enrolled in such program.