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HOUSE BILL NO. 1115

Offered January 13, 2014

A BILL to amend and reenact §§ 22.1-212.24 and 22.1-212.25 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 22.1-212.1:3, and to repeal § 22.1-212.2, relating to virtual education; Virtual Virginia and multidivision online providers.

Patrons—Greason, Bell, Richard P., Cox, Davis, Farrell, Fowler, Head, Landes, LaRock, Massie, Peace, Poindexter and Yancey

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.24 and 22.1-212.25 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-212.1:3 as follows:

§ 22.1-212.1:3. Virtual Virginia.

The Department of Education shall establish the Virtual Virginia Board (Board) that shall consist of one representative from each of the eight superintendent's regions and one representative from the regional consortia contracted to operate the Program to act as the governing authority for Virtual Virginia.

Using such funds as are appropriated, the Department shall act as the Board's fiscal agent and enter into a standard form of services contract with each school division to provide services, capacities, and products as set forth in this section.

The Governing Board shall:

1. Oversee management and operations of a statewide electronic classroom known as Virtual Virginia to (i) make available to all public schools such online courses and in-service training, educational content, and instructional resources as may be necessary to meet the Commonwealth's graduation requirements and (ii) offer cost-effective access to high-need and low-demand courses, training, content, instructional resources, and other virtual offerings;

2. Assure the continuity of Virtual Virginia by maintaining its administration and operating contracts for a period of not less than one year, during which time the Board shall determine the organizational requirements, policies, fees, and structures best suited to ensure Virtual Virginia's growth and long-term sustainability;

3. Engage an Executive Director and appropriate administrative, clerical, instructional, technical, and support staff as may be required to effectively operate Virtual Virginia; and

4. Provide an annual progress report to the General Assembly and Governor prior to the start of each legislative session. The report shall provide details of the operation and management of the Virtual Virginia Program including a list of courses offered, students served, the home divisions of student enrollees, and other substantive actions taken by the Governing Board.

§ 22.1-212.24. Approval of multidivision online providers; costs of evaluation and approval; 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

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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) publish the criteria for approval of multidivision online providers on its website, including any applicable deadlines and guidelines.

C. Subject to the availability of funds, the Department of Education shall pay the reasonable costs of evaluating and approving multidivision online providers. If the Department does not have sufficient funds available to pay the costs of evaluating and approving all multidivision online providers that have applied, the Department shall give priority to paying the costs of evaluating and approving multidivision online providers offering courses (i) that satisfy high school graduation requirements; (ii) that would likely benefit students in obtaining admission to an institution of higher education; (iii) that allow students to earn college credit or other advanced credit, including dual credit, Advanced Placement, and International Baccalaureate; (iv) in subject areas designated by the Department as commonly experiencing a shortage of teachers; and (v) in subject areas and grades designated by the Department.

D. If the Department does not have sufficient funds available to pay the costs of evaluating and approving a multidivision online provider, the Department may charge the applicant a fee of not more than the costs required to ensure proper evaluation. The Department shall establish and publish a fee schedule for purposes of this subsection.

E. The Superintendent of Public Instruction shall establish a reciprocal multidivision online provider approval process for providers of courses that (i) are equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting and (ii) are approved in another state that has established an approval process similar to the process developed pursuant to this section.

F. 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.).

§ 22.1-212.25. Information regarding online courses and virtual programs; report.

A. The Department of Education shall develop and maintain a website that provides objective information for students, parents, and educators regarding online courses and virtual programs offered through local school boards by multidivision online providers that have been approved in accordance with § 22.1-212.24 and courses offered through the Virtual Virginia Program. The website shall include information regarding the overall instructional programs, the specific content of individual online courses and online programs, a direct link to each multidivision online provider's website, how to register for online learning programs and courses, and teacher qualifications. The website shall include information submitted by multidivision online providers annually on course completion rates, student and parental satisfaction rates and comments, student learning outcomes, student growth and proficiency rates, and other evaluative and comparative information. The website shall also provide information regarding the process and criteria for approving multidivision online providers. Multidivision online providers shall provide the Department of Education the required information for the website as a condition of maintaining Board approval. All information required to be included on the website pursuant to this subsection shall be published in an open format that (i) is platform independent, (ii) is machine readable, (iii) is made available to the public without restrictions that would impede the reuse of the information, and (iv) allows the information to be retrieved, downloaded, indexed, and searched by commonly used web-based search applications.

B. The Superintendent of Public Instruction shall develop model policies and procedures regarding student access to online courses and online learning programs that may be used by local school divisions, including policies that (i) credits earned through a multidivision online provider shall appear on each student's official transcript and count fully toward graduation requirements, as applicable, and (ii) Standards of Learning and other mandatory assessments shall be administered to each student who also attends a public school.

Nothing in this article shall be deemed to require a local school division to adopt model policies or procedures developed pursuant to this section.

C. Beginning November 1, 2011, and annually thereafter, the Board of Education shall include in its annual report to the Governor and the General Assembly information regarding multidivision online learning during the previous school year. The information shall include but not be limited to student demographics, course enrollment data, parental satisfaction, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews. The November 1, 2011, report shall be an interim progress report and include information on the criteria and processes adopted by the Board and outcomes of provider applications.

D. By July 1, 2011, local school boards shall (i) post on their websites simple, understandable, and accurate information regarding online courses and programs that are available through the school division and other approved multidivision online providers and (ii) provide such information by letter or email to the student's parents and by at least two other means, such as community flyers or newspaper

120 *postings*. Such information shall include ~~but not be limited to~~ (a) the types of online courses and
121 programs available to students through the school division; *and other approved multidivision online*
122 *providers; (b) student eligibility policies, guidelines, and requirements;* (c) when the school division will
123 pay course fees and other costs for nonresident students, and (d) the granting of high school credit.
124 **2. That § 22.1-212.2 of the Code of Virginia is repealed.**

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